

## Chapter 5.50

### FIREWORKS SALES

#### Sections:

- 5.50.010 Definitions.**
- 5.50.020 Dates when sale and use of fireworks are permitted.**
- 5.50.030 Sales—License required.**
- 5.50.040 License—Application.**
- 5.50.050 License—Fees.**
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- 5.50.070 Temporary stands.**
- 5.50.080 Indoor fireworks sales restrictions.**
- 5.50.090 Discharge restrictions.**
- 5.50.100 Emergency authority of manager to prohibit discharge of fireworks.**

#### **5.50.010 Definitions.**

The following definitions shall have, for the purpose of this chapter, the following definitions:

- A. “Indoor sales” means sales conducted inside permanent structures.
- B. “Permanent structure” means a non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks.
- C. “Person” means an individual, company, partnership, corporation or other business entity.
- D. “Temporary stand” means a nonpermanent structure used for the sale of fireworks.

#### **5.50.020 Dates when sale and use of fireworks are permitted.**

A. Fireworks, as defined by and authorized pursuant to the Utah Fireworks Act, *Utah Code Ann.*, § 11-3-1, *et seq.*, may be sold within the city on or between June 20 and July 25 of each year; on or between December 20 and January 2 of each year; and 15 days be-

fore and on the Chinese New Year.

B. Fireworks may be discharged three days prior to, on the day of, and three days following July 4, July 24, January 1 and the Chinese New Year of each year.

#### **5.50.030 Sales—License required.**

Except as provided in this chapter, no person shall offer for sale or sell at retail any fireworks without first having applied for and received a license from the city to do so for each location at which the fireworks are sold or offered for sale.

#### **5.50.040 License—Application.**

Applications for a license to sell fireworks shall:

- A. Be made in writing, accompanied by the appropriate license fee;
- B. Set forth the proposed location of the fireworks sales;
- C. For fireworks sales, include for delivery to the license official insurance certificates evidencing public liability insurance coverage in the amount of \$200,000/ \$400,000, and property damage insurance coverage in the amount of \$200,000. Such certificates shall designate the city as an additional insured;
- D. For fireworks sales, include for delivery to the license official certificates evidencing products liability insurance in an amount not less than \$1,000,000 per occurrence;
- E. Include a statement that the applicant agrees to comply strictly with the terms of this chapter, the laws of the state, the city and this license as granted; and
- F. Include evidence of a current sales tax permit issued by the state of Utah.

#### **5.50.050 License—Fees.**

The annual fee for a license to sell fireworks shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.50.060 Sales—Rules and regulations.**

The following shall be general require-

ments which must be followed by all persons selling fireworks within the city:

A. All weeds and combustible materials shall be cleared from any fireworks sales location, including a distance of at least 25 feet surrounding the sales location;

B. A sign bearing the message "Discharge of Fireworks Prohibited Within 100 Feet of this Location" in letters at least three inches tall, shall be conspicuously displayed at each fireworks sales location;

C. There shall be at least one supervisor, no younger than 18 years of age, on duty at all times when the sale of fireworks is in progress. Such supervisor shall remain near the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or unless the merchandise is removed;

D. Any fireworks shall be effectively kept away from any kind of self-service by the public unless the fireworks are prepackaged and kept in the original package;

E. The license authorizing the sale of fireworks and a copy of the sales tax permit used by the licensee shall be available for inspection by public safety personnel;

F. Fireworks shall not be sold to any person under the age of 16 years, unless such person is accompanied by an adult;

G. The storage of fireworks for sale shall not be located in residential areas;

H. Smoking shall not be permitted within 50 feet of any fireworks, either on display for retail sale or being stored. "Smoking Prohibited Within 50 Feet" (or similar wording) signs shall be conspicuously posted at all fireworks sales and storage locations;

I. A sign indicating the legal dates for the discharge of fireworks shall be posted at all fireworks sales locations in such a position as to be clearly visible to the general public;

J. All fireworks retail sales locations shall be equipped with at least a portable fire extinguisher having a combined rating of no less than a 2A:10BC, approved by a recog-

nized testing laboratory; and

K. No amount of retail storage or retail sales of fireworks shall, by its presence, create a distinct hazard to any person or property.

#### **5.50.070 Temporary stands.**

Retail sales of fireworks shall be permitted from a temporary stand. Sales from such temporary stands shall be subject to the following regulations.

A. All fireworks stands shall be located in C-2, C-3 or M1 zones, or any other zones that future changes made by zoning ordinances provide, no closer than 25 feet from any other fireworks stand or any unit used for the storage or dispensing of any flammable substance;

B. Fireworks stands need not comply with the provisions of the city's building code, but all such stands shall be erected in a manner that will reasonably assure the safety of occupants and patrons;

C. Each fireworks stand up to 24 feet in length must have at least two exits. Each fireworks stand in excess of 24 feet in length must have at least three exits. All exits shall be spaced at approximately equal distances apart. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort;

D. Each fireworks stand shall maintain a two and one-half gallon 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit, and such extinguishers shall be kept in good working order and shall be easily accessible for use;

E. Two signs, each sign bearing the message "No Smoking Within 50 Feet of This Stand" in letters at least three inches tall, shall be displayed on each and every side of a fireworks stand;

F. Fireworks stands shall be removed within seven days after retail sales shall cease and the licensee shall clean the site upon which the temporary stand was formerly located;

G. Prior to the issuance of a license for a temporary stand, each applicant shall file with the license official a cash bond or irrevocable letter of credit in the amount of \$350 in a form acceptable to the city attorney for each temporary stand to be operated by the applicant. Such cash bond or irrevocable letter of credit shall assure compliance with the provisions of this section, including but not limited to the removal of the stand and the cleaning of the site upon which it was located, in accordance with the requirements of this chapter. Such bond or irrevocable letter of credit may also be forfeited for services provided by the city where damage has resulted. In the event the licensee does not comply with the provisions of this chapter, remove the stand or clean the site as required, the city may do so or cause the same to be done, and the reasonable cost thereof shall be charged against the licensee and the cash bond or letter of credit;

H. Each temporary stand shall have a minimum three-foot-wide, unobstructed aisle running the length of the stand, inside and behind the sales counter;

I. Any pass-through openings for the sales of fireworks in temporary stands shall be arranged to permit the customer to view the merchandise for sale, but shall prevent the touching or handling of non-prepackaged fireworks by the customer;

J. In the event that the temporary stand is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry; and

K. No person shall sleep in a temporary fireworks stand.

#### **5.50.080 Indoor fireworks sales restrictions.**

The following requirements shall be specifically applied to any indoor fireworks sales locations:

A. In all retail sales locations in permanent structures where fireworks are sold, the area where fireworks are displayed or stored

shall be at least 50 feet from any flammable liquid or gas, or from any other highly combustible material. Fireworks shall not be stored, including stock for sale, near any exit doorways, stairways, or in any location that would impede egress;

B. Fireworks shall be stored, handled, displayed and sold only as units in their original packaging; and

C. Fireworks inside buildings shall be displayed with regard to the following restrictions:

1. Up to 250 pounds of fireworks: Display of fireworks is unrestricted;

2. From 251 pounds to 500 pounds of fireworks: Display of fireworks must be within constant visual supervision of sales personnel; and

3. In excess of 500 pounds of fireworks: Display of fireworks must be constantly attended by a salesperson.

#### **5.50.090 Discharge restrictions.**

It is unlawful for any person to:

A. Discharge a firework within 100 feet of any fireworks sales location;

B. Ignite, explode, project or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon or over or onto the property of another; and

C. Ignite, explode or otherwise make use of any fireworks within twenty feet of any residence, dwelling or other structure.

#### **5.50.100 Emergency authority of manager to prohibit discharge of fireworks.**

A. The manager is authorized to issue temporary (not to exceed 60 days) regulations and restrictions pertaining to the discharge of fireworks in order to preserve the health, safety and welfare of persons and property in the city. Any such regulations or restrictions must be based on drought or other climatic conditions which may create an unreasonable risk of damage, loss or injury to persons or

property.

B. Any person who is guilty of discharging a firework contrary to any order issued pursuant to this section shall be guilty of a class C misdemeanor.

## **Chapter 5.52**

### **FLAMMABLE AND COMBUSTIBLE MATERIAL HANDLERS**

#### **Sections:**

**5.52.010 Flammable combustible material handler defined.**

**5.52.020 License—Required.**

**5.52.030 License—Fee.**

**5.52.040 Compliance with laws.**

**5.52.010 Flammable combustible material handler defined.**

“Flammable combustible material handler” means any person carrying on the business of buying, selling, manufacturing or transporting oil, gasoline, naphtha, liquefied petroleum gases, oxygen, or other combustible materials, motor fuels or lubricants, in quantities of ten gallons or more.

**5.52.020 License—Required.**

It is unlawful to manufacture, deal in, sell, transport or handle flammable, combustible materials without first obtaining a license.

**5.52.030 License—Fee.**

The annual license fee for a handler of combustible materials license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

**5.52.040 Compliance with laws.**

Flammable combustible material handlers must comply with all applicable provisions of the state fire code, and all other applicable laws, rules and regulations regulating the handling, manufacture and sale of flammable combustible materials.

## **Chapter 5.53**

### **FOOD OR GROCERY STORE**

#### **Sections:**

**5.53.010 Food or grocery store defined.**

**5.53.020 License—Required.**

**5.53.030 License—Fee.**

**5.53.040 Application—Referral to health department.**

**5.53.050 License—Revocation conditions.**

**5.53.060 Compliance with health ordinances required.**

#### **5.53.060 Compliance with health ordinances required.**

It is unlawful for any person to operate or be engaged in the operations of a food or grocery store in the city without complying strictly with the health ordinances of the city.

**5.53.010 Food or grocery store defined.**

“Food or grocery store” means any place where food or drink is sold at retail for human consumption.

**5.53.020 License—Required.**

It is unlawful to operate or to be engaged in the operation of a food or grocery store without first obtaining a license.

**5.53.030 License—Fee.**

The annual license fee for a food or grocery store shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

**5.53.040 Application—Referral to health department.**

All applications for a license under this chapter shall be referred to the health department for investigation and recommendations in accordance with health ordinances of the city.

**5.53.050 License—Revocation conditions.**

The license granted under this chapter may be revoked by the manager at any time upon notice and hearing for any violation of any ordinances of the city or laws of the state of Utah.

## **Chapter 5.54**

### **HOME OCCUPATIONS**

#### **Sections:**

#### **5.54.010 Home occupations defined.**

#### **5.54.010 Home occupations defined.**

A. "Home occupation" means any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there can be a display of stock in trade. The storage of stock in trade shall be a maximum of 250 cubic feet. "Stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building. Parking for a home occupation shall be limited to the following: two available parking spaces on the subject property where automobiles are customarily parked.

C. In the event of any conflict or inconsistency between this chapter and title 19 of this code, the terms and provisions of title 19 shall control.

## **Chapter 5.56**

### **HOUSE MOVERS**

#### **Sections:**

**5.56.010 License—Required.**

**5.56.020 License—Fees.**

**5.56.030 License—Bond requirements.**

**5.56.040 Compliance with regulations.**

#### **5.56.010 License—Required.**

It is unlawful to engage in the business of house moving, raising or shoring without first having obtained a license therefor. Applications for such license shall be made in writing to the license official.

#### **5.56.020 License—Fees.**

The annual fee for a house mover's license shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

#### **5.56.030 License—Bond requirements.**

Every licensee under the provisions of this section shall file with the city a cash bond or irrevocable letter of credit in the amount of \$1,000, in a form acceptable to the city attorney conditioned that the applicant, if issued a license hereunder, will comply fully with all city ordinances and other applicable laws, rules and regulations.

#### **5.56.040 Compliance with regulations.**

Persons licensed under this section must comply with the applicable ordinance provisions for moving, raising or shoring buildings, and acquire any necessary wide-load moving or building permits.



## Chapter 5.58

### LAUNDRIES, DRY CLEANERS, AND AUTOMATIC DRY-CLEANING MACHINES

#### Sections:

- 5.58.010 License—Required.**
- 5.58.020 License—Fees.**
- 5.58.030 Sanitation of premises—Employee health.**
- 5.58.040 Inspection for compliance.**
- 5.58.050 Dry cleaning defined.**
- 5.58.060 Dry cleaning business—License required.**
- 5.58.070 Dry cleaning business—License fee.**
- 5.58.080 Collectors—License requirements.**
- 5.58.090 Changes in solvents—Permission required.**
- 5.58.100 Fire extinguishing equipment required.**
- 5.58.110 Automatic dry-cleaning machine defined.**
- 5.58.120 Compliance with regulations.**
- 5.58.130 Permit and license requirements.**
- 5.58.140 Installation specifications.**
- 5.58.150 Operation regulations.**
- 5.58.160 Inspection and enforcement.**

#### **5.58.010 License—Required.**

It is unlawful to operate or conduct a laundry in the city, where service or self-service facilities are available to the general public for washing or drying clothes, draperies or other materials, without first obtaining a license.

#### **5.58.020 License—Fees.**

The annual fee for a laundry license shall be as specified on the fee schedule adopted pursuant to section 5.06.050. In addition to this general business license fee, the licensee shall pay those fees required in section 5.36.020 for any vehicle used to collect or deliver clothes, draperies or other materials to

and from such businesses.

#### **5.58.030 Sanitation of premises—Employee health.**

A. Premises used for laundries must be kept in a clean and sanitary condition. No refuse of any kind shall be permitted to accumulate, and premises must be kept free from rats, mice and vermin.

B. It is unlawful to employ any person afflicted with a venereal or any contagious disease in a laundry.

#### **5.58.040 Inspection for compliance.**

The license official or his designee shall inspect or cause to be inspected every establishment licensed under these provisions at least once every six months. Any violation under the terms of these provisions which are discovered shall be reported to the manager.

#### **5.58.050 Dry cleaning defined.**

“Dry cleaning” means the process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, etc., by the use of nonaqueous liquid solvents, flammable or nonflammable, and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.

#### **5.58.060 Dry cleaning business—License required.**

It is unlawful to engage in the business of dry cleaning in the city without a license.

#### **5.58.070 Dry cleaning business—License fee.**

The dry cleaning licensee shall pay those fees specified in the fee schedule adopted pursuant to 5.06.050.

#### **5.58.080 Collectors—License requirements.**

It is unlawful to manage, conduct or carry on the business of collecting any garment, fab-

ric, substance or article for delivery to a plant, factory or establishment without first obtaining a license so to do. The license fee shall be as specified on the fee schedule adopted pursuant to 5.06.050.

**5.58.090 Changes in solvents—Permission required.**

No change shall be made in the solvent that results in or produces a solvent in a more hazardous class, unless permission for such change shall first have been obtained from the fire department.

**5.58.100 Fire extinguishing equipment required.**

Adequate first-aid fire appliances of a type suitable for fighting fires involving flammable liquids shall be provided at each entrance to every room or area where flammable liquids are stored or used.

**5.58.110 Automatic dry-cleaning machine defined.**

“Automatic dry-cleaning machine” means and includes any device or apparatus for the cleaning of clothes or fabrics, designed to be used by the general public, which apparatus or device makes use of or contains perchlorethylene or any other chemical solvent or substance that may cause harm to human beings by reason of inhalation or contact.

**5.58.120 Compliance with regulations.**

It is unlawful to install, operate or maintain any automatic dry-cleaning machine except in compliance with the provisions of this section, or to operate the same in violation of any laws, rules or regulations of the health department, the city and the fire department relating thereto.

**5.58.130 Permit and license requirements.**

A. It is unlawful to install any automatic dry-cleaning machine without first having secured a permit from the fire department to use

hazardous flammable materials. Applications for such permit shall contain full information as to the mechanical equipment of such machines, and provisions for ventilation for both the machine and the room in which the machine will be located.

B. It is also unlawful to engage in the business of maintaining any such machine for use by the public upon payment of a fee, without having first secured a license therefor and without having paid the business license fee required on the fee schedule adopted pursuant to section 5.06.050.

**5.58.140 Installation specifications.**

A. Each machine shall be completely enclosed by a cabinet and shall be vented with intake at the top and the outlet at or near the bottom. Groups of machines may be entirely enclosed or supported on all sides by an enclosure topped with a hood vent provided for each individual machine.

B. The exhaust system must maintain a minimum flow of one hundred cubic feet per minute face velocity through the loading door whenever the door is open.

C. The machines must be so constructed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or port to allow visual examination of the status of the cleaning cycle.

D. Any connection of such machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser, with no control valves downstream from such gap or breaker. Wastewater shall be discharged through an air gap.

E. The room in which the machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted of at least:

1. 500 cubic feet per minute in a room where there are no more than three machines installed;

2. 400 cubic feet per minute where there are no more than eight machines installed;
3. 375 cubic feet per minute where there are no more than 16 machines installed; and
4. 360 cubic feet per minute where there are more than 17 machines installed.

For this purpose, each cleaning cell shall be considered as one machine.

F. Each machine must be so designed, constructed and maintained so as to prevent the leakage of liquids, gas or vapors.

#### **5.58.150 Operation regulations.**

A. No such automatic cleaning machine shall be operated unless all the equipment described in the foregoing section is properly installed and in good working condition.

B. No establishment for which a license is required under this section shall be open for business, and it is unlawful to admit public or customers into the room where such machines are located, unless there is on duty in the establishment at all times a competent person in charge of the establishment, and in charge of the operation of the machines. There shall be warning signs posted in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapors occurs.

C. It is unlawful to permit any residue containing solvent to flow into the sewer system of the city; tightly covered metal containers may be used for temporary storage of such waste outside the building. Such containers shall bear labels indicating the contents and dangers involved in handling and shall be locked if in an unenclosed space.

D. At least one legible sign shall be maintained in a place available to customers giving the name, address and phone number of the owner of the establishment, and of the service department or agency responsible for the proper maintenance of such machine.

E. Each licensee shall comply with all applicable federal, state and city laws, rules, regulations and ordinances regarding handling, storage and disposal of hazardous

waste.

#### **5.58.160 Inspection and enforcement.**

It shall be the duty of the fire department to make such inspections as are necessary for enforcing the provisions of this section.

## Chapter 5.59

### LIQUIDATION-TYPE SALES

#### Sections:

#### **5.59.010 Liquidation-type sales—**

##### **Definitions.**

#### **5.59.020 License—Required.**

#### **5.59.030 Exemptions from chapter provisions.**

#### **5.59.040 License—Fee.**

#### **5.59.050 License—Issuance—Year in business required when.**

#### **5.59.060 License—Issuance—Conditions and term.**

#### **5.59.070 License—Display requirements.**

#### **5.59.080 License—Renewal.**

#### **5.59.090 License—Revocation conditions.**

#### **5.59.100 Rules and regulations for conduct and advertising.**

#### **5.59.110 Recordkeeping requirements.**

#### **5.59.120 Mingling of goods prohibited.**

#### **5.59.130 Unlawful sales—Each sale a separate offense.**

#### **5.59.010 Liquidation-type sales— Definitions.**

A. “Publish,” “publishing,” “advertisement” and “advertising” mean any and all means of conveying to the public notice of sale, or notice of intention to conduct a sale.

B. “Sale” means:

1. Any sale of or any offer to sell to the public or any group goods, wares or merchandise on order, in transit, or in stock, in connection with a declared purpose, as set forth by advertising that such sale is anticipatory to or for the purpose of termination, liquidation, revision, windup, anticipatory removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

2. All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being

conducted at any location will cease, be removed, interrupted, discontinued, or changed; and

3. All sales advertised to be “adjustor’s sale,” “assignee’s sale,” “administrator’s sale,” “going-out-of-business sale,” “insurance salvage sale,” “last days sale,” “lease expires sale,” “liquidation sale,” “reorganization sale,” “removal sale,” “quitting business sale,” “we quit sale,” “wholesale closing out sale,” “fixtures for sale,” or advertised by any other expression or characterization or phrase of similar language that would reasonably convey to the public that the sale is being conducted as a result of such occurrences as enumerated above, which are not intended to be all-inclusive but refer to type or class of sales.

#### **5.59.020 License—Required.**

It is unlawful to publish or conduct any sale, as defined in this chapter, without first obtaining a license to do so. This license shall be in addition to any other license which may be required by any other ordinances.

#### **5.59.030 Exemptions from chapter provisions.**

The following persons shall be exempt from the scope and operation of this chapter:

A. Persons acting pursuant to an order or process of a court of competent jurisdiction; or

B. Persons acting in accordance with their powers and duties as public officers, such as police officers.

#### **5.59.040 License—Fee.**

The fee for the license required by section 5.48.120 shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

#### **5.59.050 License—Issuance—Year in business required when.**

No person, company or corporation shall be eligible for a license, nor shall a license be issued to any person, company or corporation

unless they shall have been previously licensed to do business at the same location of such closing sale for the 365-day period preceding the beginning of the sale, except in those instances where a *bona fide* hardship would be created, and in such instances proof must be furnished to the license official that:

A. Such hardship exists; and

B. At the conclusion of such closing sale all and any business transactions of that particular applicant will completely and permanently cease and desist.

**5.59.060 License—Issuance—Conditions and term.**

Upon the filing of an application and a finding by the license official, after investigation, that the statements contained therein appear to be true and are not false, fraudulent, deceptive or misleading in any respect, a license shall be issued for a period not exceeding 30 days, upon the payment of the fee prescribed in this chapter.

**5.59.070 License—Display requirements.**

Upon the commencement of any sale, and for the duration thereof, the license therefore shall be conspicuously displayed near the entrance to the premises.

**5.59.080 License—Renewal.**

Upon satisfactory proof by the licensee that the stock itemized in the original application has not been entirely disposed of, the license official shall renew such license for a period of not to exceed 30 days. In no event shall a license be renewed more than twice. For each renewal a fee of \$50 shall be collected.

**5.59.090 License—Revocation conditions.**

A license granted pursuant to this chapter may be revoked by the license official if:

A. The licensee has failed to include in the inventory required by the provisions of this chapter the goods, wares and merchan-

dise, or any part thereof, required to be contained in such inventory;

B. The licensee has added, caused to be added, or permitted to be added any goods, wares or merchandise not described in the original inventory; or

C. The licensee has violated any of the provisions of this chapter or of the laws pertaining to advertising.

**5.59.100 Rules and regulations for conduct and advertising.**

The license official may make such rules and regulations for the conduct and advertisement of the sales defined in this chapter as may be necessary to carry out the purposes thereof. Such rules and regulations must be submitted to, and be approved by, the manager.

**5.59.110 Recordkeeping requirements.**

The licensee shall keep suitable books and records and make them available at all times to the license official.

**5.59.120 Mingling of goods prohibited.**

No person contemplating conducting any sale, as defined in this chapter, or during the continuance of such sale, shall order any goods, wares or merchandise for the purpose of selling them at such sale. Any unusual purchase or addition to the stock of such goods, wares or merchandise within 60 days before the filing of such application for a license to conduct such sale shall be presumptive evidence that such purchase or addition was made in contemplation of such sale and for the purpose of selling it at such sale.

**5.59.130 Unlawful sales—Each sale a separate offense.**

Each sale made without a license, and each sale of goods, wares or merchandise that is not inventoried and described in the original application shall constitute a separate offense under this section.



## Chapter 5.60

### LODGINGS—HOTELS, MOTELS, AND OTHER

#### Sections:

- 5.60.010 Register to be kept by certain businesses—Contents.**
- 5.60.020 Inspection of premises.**
- 5.60.030 Hotels/motels—License—Requirements.**
- 5.60.040 Register to be kept.**
- 5.60.050 Premises—Cleanliness and lighting.**
- 5.60.060 Premises—Sanitary facilities.**
- 5.60.070 Premises—Exits.**
- 5.60.080 Inspection for compliance.**

#### **5.60.010 Register to be kept by certain businesses—Contents.**

A. Every person maintaining or operating a hotel, boardinghouse or roominghouse, auto court, motel, tourist home or trailer camp in the city shall keep a register in which each guest shall be required to write his name, residence, next destination, and the make and state registration license number of his vehicle or trailer. Such persons shall not fail to enter in such register opposite the name of each guest the designation of the room, cabin, trailer or camping space assigned.

B. The register shall be open for inspection by the public, the license official and the police department.

#### **5.60.020 Inspection of premises.**

The license official and the police department may periodically investigate, examine and inspect all hotels, auto courts, trailer camps, tourist homes and roominghouses and boardinghouses licensed under the provisions of this code and shall report to the manager where it appears that the general reputation of the keeper or of anyone residing or boarding therein is questionable, or that such boardinghouse is not operated in a quiet, lawful or

peaceful manner.

#### **5.60.030 Hotels/motels—License—Requirements.**

It is unlawful to conduct or operate a hotel, motel or a building or part thereof used or held out to the public, where sleeping accommodations are furnished for 20 or more persons for a period of one day or more, without first having obtained a license therefor. The annual fee for such license shall be as specified in the fee schedule adopted pursuant to section 5.06.050. Such fee shall be in addition to the general business license fee.

#### **5.60.040 Register to be kept.**

It is unlawful to knowingly permit any fugitive from justice to stay in any hotel or motel. Each hotel or motel proprietor shall keep or cause to be kept a register of guests. Such registration or list shall be available for inspection by any member of the police department or the license official at any time.

#### **5.60.050 Premises—Cleanliness and lighting.**

All premises used for hotel or motel purposes shall be kept in a clean and sanitary condition. All portions of such premises that are open for use by all guests or by the public shall be kept lighted at all times they are so open to use.

#### **5.60.060 Premises—Sanitary facilities.**

Water closets and lavatories shall be available to all guests using any hotel or motel, and there shall be at least one bathroom equipped with water closet, shower or tub, and lavatory facilities for each room.

#### **5.60.070 Premises—Exits.**

A. No building shall be used for a hotel unless it is furnished with the number of exits and fire escapes required by the building ordinances of the city for the construction of a new hotel or motel.

B. It is unlawful to block or permit the blocking of any exit from any premises used for a hotel.

**5.60.080 Inspection for compliance.**

The license official shall inspect or cause to be inspected every hotel or motel operated in the city as frequently as may be necessary to ensure compliance with the provisions of this section.



## Chapter 5.62

### MASSAGE ESTABLISHMENTS

#### Sections:

##### **5.62.010 Definitions.**

##### **5.62.020 License—Required.**

##### **5.62.030 License—Fees.**

##### **5.62.040 License—Application and issuance restrictions.**

##### **5.62.050 License—Display required.**

##### **5.62.060 Investigation of applicant and premises.**

##### **5.62.070 Unlawful conduct and activities**

##### **5.62.080 Exemptions.**

##### **5.62.090 License—Revocation.**

##### **5.62.010 Definitions.**

For the purpose of this section:

A. "Massage establishment" means any place where a massage technician conducts or carries on the business of the practice of massage for a fee, gratuity or free demonstration.

B. "Massage" means the practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion), and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by non-intrusive means and without spinal manipulation. The practice of massage may include the use of oil, rubs, heat lamps, saltglose, hot and cold packs, or tub, shower, steam, or cabinet baths.

C. "Massage technician" means a person who is licensed by the state of Utah to engage in or to teach the practice of massage for a fee, for a gratuity, or for a free demonstration.

##### **5.62.020 License—Required.**

It is unlawful to operate, conduct, or carry on or maintain a massage establishment in the city without first obtaining a business license from the city.

##### **5.62.030 License—Fees.**

The annual fee for a massage establishment shall be as specified on the fee schedule adopted pursuant to section 5.06.050. This fee is in addition to the general license fee.

##### **5.62.040 License—Application and issuance restrictions.**

Each individual desiring a massage establishment license shall:

A. Submit with the license application a certificate of the state signifying the applicant is a licensed massage technician by the state of Utah.

B. Submit the location, including the street, building and room number of the place where the applicant proposes to operate a massage establishment.

##### **5.62.050 License—Display required.**

A. Every massage establishment licensed under this section shall display its massage establishment license in a conspicuous place on the premises.

B. Every massage technician employed by a licensed massage establishment shall maintain in his possession or immediate presence, his state massage technician license.

##### **5.62.060 Investigation of applicant and premises.**

All applications for massage establishment licenses shall be referred to the license official for zoning approval and sanitary condition and compliance with applicable health department regulations governing the same, the police department for criminal background investigation, and the fire department for inspection to determine compliance with the provisions of the fire code. A license shall be granted upon a recommendation from each of the foregoing that a license be issued.

##### **5.62.070 Unlawful conduct and activities.**

A. It is unlawful for any person who is

not licensed as a massage technician by the state to practice or engage in or attempt to engage in massage or to falsely advertise or represent himself to be authorized to practice or engage in massage when not licensed by the state to do so.

B. It is unlawful to serve, store, or allow to be served or allow to be consumed, any alcoholic beverages on the premises of any massage establishment.

C. It is unlawful for a massage technician, massage apprentice, or any other employee of a massage establishment to touch or offer to touch or massage the genitalia of customers.

D. It is unlawful for a massage technician, massage apprentice, or any customer or employee of a massage establishment to display to any other person any specific anatomical area or to engage in any unlawful activities as defined in chapter 5.82 hereof while on the premises of the massage establishment.

#### **5.62.080 Exemptions.**

The provisions of this section shall not apply to those individuals listed in *Utah Code Ann.* § 58-47a-9 or any successor statute.

#### **5.62.090 License—Revocation.**

Upon a showing that a massage establishment has been operated or maintained or that any employee of a massage establishment has performed massage contrary to state statute or city ordinance, contrary to the public health or the health of the patrons or customers of the establishment or without due regard to proper sanitation or hygiene shall be grounds for the revocation of the establishment's license in accordance with the procedures established by the city.

## **Chapter 5.64**

### **MOBILE HOME PARKS, TRAILER PARKS, AND AUTO COURTS**

#### **Sections:**

- 5.64.010 License—Required—Applications.**
- 5.64.020 Exceptions.**
- 5.64.030 License—Fee.**
- 5.64.040 License—Issuance restrictions.**
- 5.64.050 Compliance with other laws.**
- 5.64.060 Mobile homes—Permanent use outside mobile home parks or mobile home subdivisions.**
- 5.64.070 Mobile homes—Construction and location restrictions.**
- 5.64.080 Mobile homes—Alteration restrictions.**
- 5.64.090 Mobile homes meeting federal standards.**
- 5.64.100 Zoning ordinances regulating mobile homes.**
- 5.64.110 Definition.**
- 5.64.120 Permit required to move mobile home.**
- 5.64.130 Permit application—Contents.**
- 5.64.140 Abandonment.**
- 5.64.150 License/permit fee.**

#### **5.64.010 License—Required—Applications.**

It is unlawful to establish, maintain or operate in the city any mobile home park, as defined in building and construction ordinance, or any trailer park or auto court without first having obtained a license therefor. Applications for such licenses shall be made in writing to the license official in compliance with ordinances relating to license applications, and shall contain the name of the applicant, the location of the proposed park, and the number of mobile homes, trailers or automobiles to be accommodated.

#### **5.64.020 Exceptions.**

Nothing in this section shall be construed to prohibit the storage of any mobile home for any length of time when it is not used for living or sleeping purposes.

#### **5.64.030 License—Fee.**

The annual fee for the license required herein shall be as specified on the fee schedule adopted pursuant to section 5.06.050. Such fee shall be in addition to the general business license fee.

#### **5.64.040 License—Issuance restrictions.**

A. No such license shall be issued to any but a person of good character, nor to any corporation if any officer of such is not a person of good character.

B. It is unlawful to hire or keep as manager, superintendent or person in charge of a mobile home park, trailer park or auto court any person who is not a person of good character, or any person who has been convicted of a felony.

#### **5.64.050 Compliance with other laws.**

All mobile home parks licensed under this title shall comply with provisions governing same in this code and with all other applicable law.

#### **5.64.060 Mobile homes—Permanent use outside mobile home parks or mobile home subdivisions.**

It is unlawful for any person to maintain any mobile home, used for human habitation, upon any plot of ground in the city except as provided in zoning ordinances, or in a licensed mobile home park or an approved mobile home subdivision.

#### **5.64.070 Mobile homes—Construction and location restrictions.**

It is unlawful to occupy for sleeping or other residential purposes any mobile home that has been rendered immobile by the re-

removal of wheels or placing the same on a foundation or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities, and other regulations applicable to single-family dwellings.

**5.64.080 Mobile homes—Alteration restrictions.**

It is unlawful to remove the wheels or other transporting device from any mobile home or otherwise to affix such mobile home permanently to the ground so as to prevent ready removal of such mobile home unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of the zoning and building ordinances.

**5.64.090 Mobile homes meeting federal standards.**

Notwithstanding any other provisions of this chapter to the contrary, no mobile or manufactured home certified as in conformance with federal standards for mobile homes by the application of the label required under CFR 3282.362 shall be required to meet city construction and safety requirements covered by such federal standards.

**5.64.100 Zoning ordinances regulating mobile homes.**

No provision of this section is intended nor shall it be construed to authorize a mobile or manufactured home (regardless of whether the wheels have been removed or it has been placed on the ground or a foundation) to be located on a parcel of ground outside of a mobile home park or subdivision in violation of zoning ordinances.

**5.64.110 Definition.**

As used in this chapter:

A. “Mobile home” means a transportable structure in one or more sections with the plumbing, heating and electrical systems contained within the unit, which when erected on a site, may be used with or without a permanent foundation as a family dwelling.

B. “Storage facility” means a facility or site that complies with applicable zoning ordinances that is used or intended to be used for the storage of a mobile home.

C. “Salvage or disposal facility” means a facility or site that complies with applicable zoning ordinances that is used or intended to be used for the salvage or disposal of mobile homes.

D. “Mobile home park” means any tract of land that complies with applicable zoning ordinances on which two or more mobile home spaces are leased or offered for lease or rent to accommodate mobile homes for residential purposes that complies with zoning ordinances.

**5.64.120 Permit required to move mobile home.**

It is unlawful for any person to move or cause to be moved a mobile home from a mobile home park without first making application for and obtaining the required permit from the city. It is also unlawful for the owner of a mobile home park, agent, employee or a representative of the owner to allow a mobile home to be moved out of such mobile home park, without verification that a permit required by this chapter has been obtained.

**5.64.130 Permit Application – Contents.**

A. Applications for permits required by this chapter shall be made in writing to the city’s license office. Each application shall state the name of the business; the name of the applicant; the current location of the mobile home; the new location for the mobile home; the name and address of the business agent who is authorized to receive service of process and any communication regarding the appli-

cant's permit via certified mail, return receipt requested; and such additional information as may be needed for the purpose of guidance of the city officials in the issuing of the permit. Any change in the above information furnished by the permit applicant shall be forwarded, in writing, before the movement of any mobile home.

B. Forms for such permit and application therefore, shall be prepared and kept on file with the license official.

**5.64.140 Abandonment.**

It is unlawful to move a mobile home within the city except to a mobile home park, storage facility, or a salvage or disposal facility.

**5.64.150 License/permit fee.**

The fee for a permit required hereunder shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

## Chapter 5.66

### MOTION PICTURE THEATERS

#### Sections:

**5.66.010 License—Required.**

**5.66.020 License—Application.**

**5.66.030 License—Fees.**

**5.66.040 Activities on unlicensed premises—Fee.**

**5.66.050 Building code requirements.**

**5.66.060 Nonflammable scenery required.**

**5.66.070 Crowding limitations.**

**5.66.080 Exits—Obstruction prohibited.**

**5.66.090 Compliance with laws.**

#### **5.66.010 License—Required.**

It is unlawful to give, present or conduct any motion picture or theatrical, for admission to which a fee is charged, excepting performances given solely for the benefit of and under the supervision of a religious, educational or charitable organization, without having first secured a license therefor as is provided in this chapter.

#### **5.66.020 License—Application.**

Applications for such licenses shall state, in addition to any other information required, the place of the intended performance and the seating capacity thereof.

#### **5.66.030 License—Fees.**

A. Any person securing an annual license for motion pictures or theatricals, naming a specific place, building or auditorium/theater within a building housing more than one auditorium/theater where the performances are to be presented, may present therein any number of performances, including theatricals, during the year for which the license was secured, upon payment of the required fees.

B. In addition to the general license fee, the license fee for the license required in this chapter shall be based upon the number of movie screens at the place of amusement pur-

suant to the fee schedule adopted pursuant to section 5.06.050.

#### **5.66.040 Activities on unlicensed premises—Fee.**

For motion pictures and theatricals that are to be presented in premises that are not covered by such license fee, the fee to be paid shall be \$10 per day per stage/screen; provided, that no such motion picture or theatrical shall be presented in or on any premises or building that does not fully comply with the requirements of this code relating to public gatherings and to the maintenance of buildings used for these purposes.

#### **5.66.050 Building code requirements.**

It is unlawful to present any public motion picture in any building or structure which does not contain the number of exits required by the city's building code, or by the statutes of the state, concerning buildings or places intended for motion picture performances, or in premises in which the electrical wiring does not fully comply with these ordinances. All places used for the exhibition of theatricals must be kept adequately ventilated during the performance, and for so long a time as the audience remains therein.

#### **5.66.060 Nonflammable scenery required.**

It is unlawful to use any scenery in any theater other than nonflammable scenery or such as shall have been rendered nonflammable by the application of fire-preventive coatings.

#### **5.66.070 Crowding limitations.**

It is unlawful to permit any person, excepting ushers or other theater employees, to remain standing in a hall or room in which a motion picture is presented during the time of such performance; and it is unlawful to admit to any such hall more persons than can be accommodated by the seating arrangements of the premises.

**5.66.080 Exits—Obstruction prohibited.**

It is unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosure in which a motion picture performance or theatrical is being given, or in which an audience for such a performance is gathered.

**5.66.090 Compliance with laws.**

All businesses owning or operating motion picture theaters shall comply with the applicable city ordinances and state criminal statutes governing the distribution, sale, exhibition or showing of pornographic films or other literature.

## **Chapter 5.68**

### **MULTIPLE RENTAL DWELLING UNITS**

#### **Sections:**

#### **5.68.010 Definitions.**

#### **5.68.020 License required.**

#### **5.68.030 Exception.**

#### **5.68.040 Penalty.**

#### **5.68.050 License—Fees.**

#### **5.68.010 Definitions.**

A. "Multiple family dwelling unit" shall mean any buildings or apartment buildings so arranged, designed, built, rented, loaned, let or hired out to be used or occupied as the home, residence or dwelling unit of four or more families living independently of each other. This definition includes four-plexes, even if the owner lives in one of the units.

B. "Rental dwelling unit" shall mean any individual dwelling unit that is rented, loaned, let or hired out to be used or occupied as a home or residence.

C. "Owner" shall mean the person having ownership. "Person" includes any individual, group of individuals, partnership, corporation, association or other legal entity.

#### **5.68.020 License required.**

A. Every owner of a multiple family dwelling unit or of four or more rental dwelling units shall obtain and maintain current a business license and pay the general business license fee and the special fees as set forth on the fee schedule adopted pursuant to section 5.06.050.

B. If there is more than one owner, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fee.

#### **5.68.05. Exception.**

Every owner of less than four rental dwelling units shall be exempt from licensing under

this title.

#### **5.68.040 Penalty.**

Any person or party who violates the provisions of this chapter shall be deemed guilty of a misdemeanor.

#### **5.68.050 License—Fees.**

A. Owners of multiple family dwelling units or rental dwelling units shall pay the general business license fee and the special fees set forth in the fee schedule adopted pursuant to section 5.06.050.

B. The base business license fee shall be paid at the time of application for a new or renewal license.

C. The community development director may, with the approval of the manager, establish a payment plan or plans which allow the licensee to pay the per-unit fees in two, three, or four equal installment payments, made at regular intervals during the term of the license.

D. Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this title.



## **Chapter 5.70**

### **NURSING AND CONVALESCENT HOMES**

#### **Sections:**

**5.70.010 Nursing or convalescent home defined.**

**5.70.020 License—Required.**

**5.70.030 Exemptions.**

**5.70.040 License—Application—  
Contents.**

**5.70.050 License—Application—  
Investigations.**

**5.70.060 License—Fee.**

**5.70.070 Compliance with laws.**

**5.70.010 Nursing or convalescent home defined.**

“Nursing home” or “convalescent home” means any institution used for the reception or care of persons who are dependent or not capable of properly caring for themselves, and shall be understood to include homes for the aged or infirm, refuges, and shelters.

**5.70.020 License—Required.**

It is unlawful to operate or conduct a nursing or convalescent home without first obtaining a general business license.

**5.70.030 Exemptions.**

Nothing in this section shall apply to care given to relatives in the homes of parents, legal guardians, grandparents, brothers, sisters, children, uncles, aunts, or day care centers, or as part of the program of an educational institution regulated by the boards of education of the state, or as part of the program of a parochial or other private institution.

**5.70.040 License—Application—  
Contents.**

Applications for such licenses shall state the location or proposed location of the home, the purpose for which it is to be operated,

maintained or conducted, the accommodations for the patients thereof, the nature and kind of care, instructions or benefits given therein, the names and addresses of the officials conducting, managing or maintaining the home, the name of the superintendent or person in charge of the home, the name and address of the chief physician or surgeon, or the names and addresses of the board of physicians or surgeons attending therein if such a board exists.

**5.70.050 License—Application—  
Investigations.**

Applications for a license shall be referred to the fire department and shall comply with applicable rules and regulations of the health department. Findings shall then be forwarded, along with recommendations to the license official for referral to the manager.

**5.70.060 License—Fee.**

In addition to the general license fee, nursing and convalescent homes that provide 24-hour care shall pay an annual regulatory fee as specified in the fee schedule adopted pursuant to section 5.06.050.

**5.70.070 Compliance with laws.**

All persons operating nursing and convalescent homes shall comply with all applicable city, state and federal health and fire regulations governing their operation.

## Chapter 5.72

### OUTDOOR ADVERTISERS

#### Sections:

#### **5.72.010 Prohibition.**

#### **5.72.020 Definitions.**

#### **5.72.030 Penalty for noncompliance.**

#### **5.72.040 Costs.**

#### **5.72.050 Existing billboards.**

#### **5.72.060 Severability.**

#### **5.72.010 Prohibition.**

All billboards are prohibited within the city.

#### **5.72.020 Definitions.**

A. "Billboard" is hereby defined as any freestanding ground sign that is designed or intended to direct attention to a business, product, service or other commercial activity that is not sold, offered, or existing on the property where the sign is located. Each billboard shall be considered a separate business for which a separate business license must be obtained upon payment of the general business license fee and all other applicable fees and charges under this code;

B. "Existing, non-conforming billboard" is hereby defined as a billboard physically constructed, in place and being used for advertising purposes as of the city's incorporation on 14 January 2005. The term does not include a prospective or anticipated billboard for which Salt Lake County issued a permit on or prior to the city's incorporation on 14 January 2005. Each existing, non-conforming billboard shall be considered a separate business for which a separate business license must be obtained upon payment of the general business license fee and all other applicable fees and charges under this code.

#### **5.72.030 Penalty for noncompliance.**

Any person, firm, corporation or other business entity, whether acting as owner or

occupant of the premises involved, or contractor, or otherwise, who violates this chapter shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine and to a term of imprisonment to the maximum amount provided in *Utah Code Ann.* § 10-3-703. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

#### **5.72.040 Costs.**

Costs incurred by the city in removing any billboard erected in violation of this chapter shall be charged to the owner or the entity having charge, control or benefit of the billboard.

#### **5.72.050 Existing billboards.**

Existing, non-conforming billboards are exempt from the prohibition on billboards in section 5.72.010 of this chapter; provided, however, that any existing, non-conforming billboard located on premises owned by a third party lessor, licensor or the like shall be exempt from the prohibition on billboards in section 5.72.010 of this chapter only until expiration of the term for which such premises were leased or licensed for billboard purposes. In no event may the use of any existing, non-conforming billboard be expanded, increased or extended in any way, including, without limitation, by increasing the height or size of such billboard. Further, the term of any such lease or license shall not be extended beyond the original term unless one or more options to extend the original term are specified in a written agreement for the lease or license of such premises actually in existence as of the city's incorporation on 14 January 2005 and such option(s) was formally exercised as required by such pre-existing lease or license agreement prior to the city's incorporation on 14 January 2005. If any such option(s) to extend the original term of any such pre-existing lease or license agreement was so exercised prior to the city's incorporation on 14 January

2005, then the existing, non-conforming billboard in question shall be exempt from the prohibition on billboards in this chapter only until expiration of the term of such lease or license agreement, as so extended.

**5.72.060 Severability.**

If any provision or clause of this chapter or the application thereof to any person, entity or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect any other sections, provisions, clauses or application hereof which can be implemented without the invalid provision, clause or application. To this end, the provisions and clauses of this chapter are declared to be severable.

## **Chapter 5.74**

### **PARKING LOTS AND GARAGES— PARKING OR STORAGE**

#### **Sections:**

- 5.74.010 License—Required.**
- 5.74.020 License—Fee.**
- 5.74.030 Operation—Premises location restrictions.**
- 5.74.040 Changing identification marks or license tags.**
- 5.74.050 Inspection for compliance.**
- 5.74.060 Parking lot defined.**
- 5.74.070 License requirements.**
- 5.74.080 Conduct of other business on same premises.**
- 5.74.090 Rates and hours to be posted.**
- 5.74.100 Building construction regulations.**
- 5.74.110 Fire protection requirements.**
- 5.74.120 Driveways.**
- 5.74.130 Trash and refuse containers.**
- 5.74.140 Intoxicating liquor restrictions.**
- 5.74.150 Abandoned, junked and other vehicles prohibited.**

#### **5.74.010 License—Required.**

It is unlawful to operate or maintain a public garage in the city without having first obtained a license therefor as is provided in this section.

#### **5.74.020 License—Fee.**

The annual fee for license to operate or maintain a public garage shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

#### **5.74.030 Operation—Premises location restrictions.**

It is unlawful to maintain or operate any public garage in a frame building, or in any building or structure used for school, church or theater purposes, or in any building that does not conform to the requirements of the

building ordinances. The premises of every garage must be kept clean and free from flammable waste material.

#### **5.74.040 Changing identification marks or license tags.**

It is unlawful to change the identification marks on the engine of any car or automobile in any public garage. It is also unlawful to change the license tags on cars, excepting in accordance with the register of motor vehicles kept by the State Division of Motor Vehicles.

#### **5.74.050 Inspection for compliance.**

The police department and the fire department shall make or cause to be made inspections of public garages as may be necessary to insure compliance with the provisions of these provisions. Any law enforcement officer shall be permitted at any reasonable time to view every car stored or kept in any public garage, and it is unlawful to hinder any such inspection or to conceal any motorcar or motor vehicle from such inspection.

#### **5.74.060 Parking lot defined.**

“Parking lot,” as used in this chapter, means and includes any place maintained for the outdoor parking of cars, where such parking is permitted upon payment or compensation, or is made available solely to the patrons or customers of any place of business. “Parking lot” does not include any public place.

#### **5.74.070 License requirements.**

It is unlawful to operate a parking lot without having first obtained a license therefor. Application for such license shall be made in writing to the license official and shall contain all necessary information to ensure compliance with the provisions of this section, including a description of the location and size of the lot, the number of cars to be accommodated, and a statement of any services, other than parking, and of any articles or commodities for sale, offered to patrons of the parking

lot. The annual license fee for such license shall be that prescribed in the fee schedule adopted pursuant to section 5.06.050.

**5.74.080 Conduct of other business on same premises.**

If any business, other than that of parking lot, is conducted on the same premises with a parking lot, such business shall be conducted in full compliance with all ordinances pertinent thereto, and any license required for the operation of such business must be procured and the fee required therefor must be paid.

**5.74.090 Rates and hours to be posted.**

At the entrance of each parking lot there shall be posted, in words and figures large enough to be read by prospective patrons, a statement of the rates to be charged and the closing hours.

**5.74.100 Building construction regulations.**

Any buildings constructed on a parking lot shall be constructed in full compliance with the ordinances pertaining thereto, and shall have exterior walls of nonflammable material; however, any structure used or to be used for office purposes only may have less than the minimum area requirements prescribed for residences or commercial buildings.

**5.74.110 Fire protection requirements.**

It is unlawful to operate any parking lot unless there are available on the premises adequate fire extinguishers and personnel competent to use the same. There shall be maintained on each parking lot at least one hand chemical fire extinguisher having a capacity of one quart of liquid or two and one-half pounds of carbon dioxide for each ten cars for which accommodations are offered, which extinguisher shall always be maintained in good order and in accessible places. Where accommodations are provided for more than 100 cars, there shall be maintained, in addition

to the hand extinguishers required, at least one portable chemical fire extinguisher having a capacity of two and one-half gallons of liquid or 15 pounds of carbon dioxide.

**5.74.120 Driveways.**

No driveway to a parking lot shall be constructed except in full compliance with the ordinances relative to the issuance of permits for driveways, and it shall be the duty of the operator of each parking lot to maintain the sidewalk and parkway over which such driveway passes in good condition.

**5.74.130 Trash and refuse containers.**

If a parking lot is maintained in connection with a licensed establishment serving food for consumption on the premises, and food or drinks are served to the occupants of cars, adequate containers must be maintained for all trash and refuse, and the refuse must be cleaned up, and the premises must be kept thoroughly cleaned by the proprietor.

**5.74.140 Intoxicating liquor restrictions.**

It is unlawful to serve intoxicating liquor for consumption in any car parked in a parking lot or to consume any intoxicating liquor while therein.

**5.74.150 Abandoned, junked and other vehicles prohibited.**

It is unlawful to park or store in any parking lot any vehicle that is not in a condition ready for use, or to permit the parking in such lot of any abandoned, junked or partially disabled vehicle. It is unlawful to use any parking lot for storage or parking of any vehicle for the purpose of displaying the same for sale.

## **Chapter 5.75**

### **PAWNBROKERS**

#### **Sections:**

- 5.75.010 Pawnbroker—Definitions.**
- 5.75.020 License—Required.**
- 5.75.030 License—Application—Issuance conditions.**
- 5.75.040 License—Fees.**
- 5.75.050 Relocation of business—License required.**
- 5.75.060 Reporting changes in license information.**
- 5.75.070 License—Denial, suspension or revocation.**
- 5.75.080 Hearing on denial, suspension or revocation.**
- 5.75.090 Recordkeeping—Requirements generally.**
- 5.75.100 Recordkeeping—Legibility and access for inspection.**
- 5.75.110 Certificate copies to police department.**
- 5.75.120 Operation—Regulations to be posted.**
- 5.75.130 Operation—Hours of closure.**
- 5.75.140 Property—Holding period before deposition.**
- 5.75.150 Stolen goods reports.**
- 5.75.160 Computer reporting.**
- 5.75.170 Premises—Pawnbroker partition requirements.**
- 5.75.180 Pawnbroker—Liability of licensee.**
- 5.75.190 Dealing with minors prohibited.**

#### **5.75.010 Pawnbroker—Definitions.**

As used in this chapter, the following words shall have the meaning as defined in this chapter:

A. “Pawnbroker” means any person who loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or de-

positor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.

B. “Registered customer” means any person who is registered with the dealer and who the dealer knows to be a reputable person in the community. A registered customer must complete a registered customer form supplied by the police department and maintained in the dealer’s records. The registered customer form shall have positive identification sections and a section stating that the registered customer certifies that property he will sell to the dealer meets the requirements of subsection B(1) of section 5.75.090 of this title.

#### **5.75.020 License—Required.**

It is unlawful for any person to operate as a pawnbroker, without first obtaining a license to do so. A separate license shall be required for each location and for the conduct of the business of a dealer.

#### **5.75.030 License—Application—Issuance conditions.**

A. Each application for a license shall be made on the form that the license official requires, and the applicant shall certify that the information given is true and correct under the penalties of perjury.

B. Each application for a pawnbroker license shall contain such information as deemed necessary by the police department and the license official.

C. Only individuals may apply for a pawnbroker license:

1. If an application is made on behalf of a corporation, limited partnership, LLC or other business entity, the license shall be applied for by and issued to the president of the corporation or members of the partnership, LLC or other entity who are authorized to act

for it.

2. If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation, limited partnership, LLC or the like, the application shall be made by and issued to the president of the corporation or members of the limited partnership, LLC or other entity who are authorized to act for it.

D. Each individual who applies for a pawnbroker's license under this chapter assumes, as an individual, all responsibilities of the pawnbroker and, as an individual, is subject to all conditions, restrictions and requirements imposed on pawnbrokers.

E. Each individual applying for a pawnbroker license shall not be issued a license until such time as the police department has conducted a background investigation on the applicant pursuant to section 5.08.080 of this title.

#### **5.75.040 License—Fees.**

The license fee for the following occupations shall be as specified in the fee schedule adopted pursuant to section 5.06.050: pawnbroker.

#### **5.75.050 Relocation of business—License required.**

A. A pawnbroker may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients.

B. A pawnbroker may not remove or relocate the location specified in the license for the business, or open any additional location unless the person has applied for and obtained a separate license from the license official.

#### **5.75.060 Reporting changes in license information.**

If, during any license year, there is a change in the information that a pawnbroker gave in obtaining or renewing a license under this chapter, the pawnbroker shall report the change to the license official within 30 days after the change occurs, and certify that the information given is true and correct under the penalties of perjury.

#### **5.75.070 License—Denial, suspension or revocation.**

The license official may refuse to grant a license to any pawnbroker, and may suspend, revoke or refuse to renew the license of any pawnbroker if it finds.

A. The pawnbroker has violated or is attempting to violate any provisions of this chapter;

B. A similar license issued to the pawnbroker has been suspended, revoked or refused in another jurisdiction for a reason which would justify such action under this chapter;

C. Any officer, manager, agent or employee of the pawnbroker has violated or is attempting to violate any provisions of this chapter unless the person or pawnbroker:

1. Had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not have known of the conduct, and

2. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence; or

D. The pawnbroker has been convicted of theft or receiving stolen property on one or more occasions within the past five years.

#### **5.75.080 Hearing on denial, suspension or revocation.**

Before revoking, suspending or refusing to grant or renew any license, the applicant, employee or pawnbroker shall be informed of an opportunity to appeal such decision in accordance with the provisions hereof.

**5.75.090 Recordkeeping—Requirements generally.**

A. It is unlawful for any pawnbroker licensed by this chapter to fail to use a computer information system approved by the police department, in which he shall enter at the time of purchase, in the English language:

1. The name, date of birth, address and physical description of the person selling the property;

2. The driver's license number or any other positive form of identification containing a numerical identifier and a photograph of the person selling the property;

3. The date and time of the transaction;

4. The identification of the person making the record entry;

5. A description of the item purchased or obtained by the pawnbroker, including, but not limited to, a description of the metallic composition, any jewels, stones or glass, and a listing of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, and any other marks of identification appearing on the item.

6. The weight of the item or items, where payment is based on weight; and

7. The consideration paid for the item or, if pawned, the amount of money loaned or advanced.

B. Notwithstanding the foregoing paragraph, pawnbrokers who process fewer than 50 transactions per month may request written permission from the police department to use a non-computerized alternative standardized format written in ink in a legible manner specified and approved by the police department for reporting the information required in subsection A above.

C. In addition to the requirements of subsection A of this section, a pawnbroker shall also obtain and keep the following:

1. A written certificate, on forms prescribed by the police department that the person delivering the property has the legal right

to sell such property; and

2. If the value of the property exceeds \$20, a pawnbroker, or an agent, employee, or representative of a pawnbroker or person who buys, receives, or obtains such property shall also require the seller or person delivering the property, whether known or not, to give a legible fingerprint, preferably the right thumb, at the bottom of the written certificate next to his signature, and a copy of at least one other positive form of picture identification.

**5.75.100 Recordkeeping—Legibility and access for inspection.**

A. All records of all pawnbrokers defined in this chapter shall be open to inspection by any peace officer as defined by *Utah Code Ann.*, § 77-1a-1.

B. Upon request to do so by any peace officer as defined by *Utah Code Ann.*, § 77-1a-1, all goods, articles or other things pawned, pledged, sold or delivered to such pawnbroker must be retained and held until released by the police department or delivered to the police department upon consent of the dealer or pursuant to the terms of any search warrant issued to the police department, and served upon such pawnbroker.

**5.75.110 Certificate copies to police department.**

It is unlawful for any pawnbroker to fail to have available to the police department the records required to be maintained by this chapter on the business day following the transaction. It is also unlawful for any pawnbroker to fail to retain the records required by this chapter for three years following the transaction at his place of business and provide such records for inspection by the police department.

**5.75.120 Operation—Regulations to be posted.**

It is unlawful for any pawnbroker to conduct or transact business licensed under this



chapter unless he shall keep conspicuously posted at his place of business a copy of these provisions.

**5.75.130 Operation—Hours of closure.**

It is unlawful for any dealer licensed under this chapter to keep his place of business open for trade before the hour of 7:00 a.m. or after 10:00 p.m., unless prior written permission is received from the police department.

**5.75.140 Property—Holding period before disposition.**

A. It is unlawful for any pawnbroker licensed under this chapter to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks, or dispose of any property purchased or obtained by a pawnbroker until 30 days have elapsed from the date of compliance with the reporting requirements of sections 5.75.090 and 5.75.100, or for such additional time as to any specific item or items as may be directed by the police department or its designee. All items being so stored shall be segregated from other items and shall be identified by a tag attached to the property, numbered in a manner to correspond with the number of the transaction description in the business records required to be kept by section 5.75.090. Items purchased in bulk may be tagged in bulk. Items may be stored at other locations in the city approved by the police department. The pawnbroker shall produce these items at the business location within one hour of a request to do so by the police department. Where compliance is impossible because of the close of business hours, the item shall be produced within one hour of the opening of business on the next business day.

B. The requirements of subsection A of this section shall not be applicable to any unidentifiable secondhand precious metals which have been inspected and received written clearance for earlier disposition by the police department.

C. The police department may request that the manager modify the recordkeeping or reporting requirements of this section.

**5.75.150 Stolen goods reports.**

It shall be the duty of every pawnbroker to report to the police department any article sold, or which it is sought to sell, if he shall have reason to believe that the article was stolen, or lost or found by the person attempting to sell it in the case of a lost article.

**5.75.160 Computer reporting.**

The police department is authorized to transfer the information received pursuant to this chapter into a computer information system and to report the information in such forms as the police department may determine is useful for law enforcement purposes.

**5.75.170 Premises—Pawnbroker partition requirements.**

It is unlawful for any pawnbroker to keep or maintain his pawnbroker business in the same room or rooms with any other business. Patrons must enter and take their exit from all pawnbrokers' places of business through outside doors or entrances.

**5.75.180 Pawnbroker—Liability of licensee.**

The holder of a pawnbroker license is liable for any and all acts of his employees for any violation by them of any of the provisions of this chapter.

**5.75.190 Dealing with minors prohibited.**

It is unlawful for any pawnbroker under this section, by himself, his agents or servants, to purchase or receive any personal property, or any articles whatsoever, from any person under 18 years of age.

## Chapter 5.76

### PRIVATE DETECTIVES

#### Sections:

#### **5.76.010 License—Required.**

#### **5.76.020 Exemptions.**

#### **5.76.030 License—Fee.**

#### **5.76.040 License—Applicant eligibility.**

#### **5.76.050 License—Investigation of applications.**

#### **5.76.060 License—Bond required.**

#### **5.76.070 License—Display requirements.**

#### **5.76.010 License—Required.**

It is unlawful to engage in the business of private detective or investigator for a fee or reward unless such person is first licensed by the city.

#### **5.76.020 Exemptions.**

Nothing in these provisions shall be construed to require a license by any detective or investigator regularly employed by a firm or business to patrol the premises owned by such firm or business.

#### **5.76.030 License—Fee.**

The annual fee for such license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.76.040 License—Applicant eligibility.**

Applicants must be at least 21 years of age and be licensed by the state department of public safety. No license shall issue to any person who has been convicted of a felony by the courts of this or any other state, or who has been convicted anywhere of any act which, if done in this state, would constitute an assault, theft, larceny, unlawful entry, extortion, buying or receiving stolen property, unlawful use or possession of weapons or burglar's tools, escape from lawful custody, or a crime involving moral turpitude. Every applicant shall file with the police department a

recent photograph and shall permit his fingerprints to be taken in order to assist the police department in its investigative function.

#### **5.76.050 License—Investigation of applications.**

Applications shall be referred by the license official to the police department, who shall make or cause to be made an investigation as to the applicant's experience and qualifications to engage in such business, and may interview the applicant. The police department's findings shall be referred by the license official to the manager, which shall approve or deny the application.

#### **5.76.060 License—Bond required.**

Applications shall be accompanied by a cash bond or irrevocable letter of credit in the amount of \$1,000, in a form acceptable to the city attorney, conditioned that the applicant, if issued a license hereunder, will comply fully with all city ordinances and other applicable laws, rules and regulations; and further, that applicant shall pay all damages occasioned by any person by reason of any misstatement, misrepresentation, fraud or deceit of the licensee, his agent, or employees.

#### **5.76.070 License—Display requirements.**

No license granted under these provisions shall be transferable, and every licensee shall, at all times where practical, carry on his person a card issued by the license official, certifying such person to be duly licensed to engage in the business of private detective.

## **Chapter 5.77**

### **RESTAURANTS**

#### **Sections:**

- 5.77.010 Restaurant defined.**
- 5.77.020 License—Required.**
- 5.77.030 License—Fee.**
- 5.77.040 Applications—Referral to health department.**
- 5.77.050 License—Revocation conditions.**
- 5.77.060 Compliance with health ordinances required.**
- 5.77.070 Employees circulating among guests—Restrictions.**
- 5.77.080 Entertainment—Hours when restricted.**
- 5.77.090 Offensive behavior prohibited.**

#### **5.77.010 Restaurant defined.**

“Restaurant” means any place where food is prepared or served for sale or sold for human consumption on or off the premises.

#### **5.77.020 License—Required.**

It is unlawful to operate or be engaged in the operations of a restaurant in the city without first obtaining a license as required in this chapter.

#### **5.77.030 License—Fee.**

The annual license fee for a restaurant shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.77.040 Applications—Referral to health department.**

All applications for a license under this chapter shall be referred to the health department for investigation and recommendation in accordance with the health ordinances of the city.

#### **5.77.050 License—Revocation conditions.**

The license granted by this chapter may be revoked by the manager at any time upon no-

tice and hearing, for violation of any ordinance of the city or law of the state of Utah.

#### **5.77.060 Compliance with health ordinances required.**

It is unlawful for any person to operate or be engaged in the operations of a restaurant in the city without complying strictly with the health ordinances of the city.

#### **5.77.070 Employees circulating among guests—Restrictions.**

It is unlawful for any person licensed under this chapter to permit any employee to circulate among the patrons or guests of such place of business except to take or serve orders, or to permit any employee to sit down at any table, counter or other place in such place of business with any patron or guest. It is unlawful for any employee of such place of business to circulate among the patrons or guests, or for any employee to sit down at any table, counter or any other place in such place of business with any patron or guest.

#### **5.77.080 Entertainment—Hours when restricted.**

It is unlawful for the keeper, manager or person in charge of any restaurant to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on in such restaurant or public dining room, or in any room, booth or other place connected therewith on or after one a.m. and before eight a.m. of the same day.

#### **5.77.090 Offensive behavior prohibited.**

A. It is unlawful for the keeper, manager or the person in charge of any restaurant to permit any person to conduct himself or herself, by word or act therein, or in any room, booth or other place connected therewith, in such manner as to constitute disturbing the peace, disorderly conduct, or a public nuisance under this code.

B. It is unlawful to permit any dancer, entertainer or other person to appear in or on such place of business in a state of nudity as defined in chapter 5.82.

## **Chapter 5.78**

### **SCAVENGERS**

#### **Sections:**

**5.78.010 License—Required—Fee.**

**5.78.020 License—Application.**

**5.78.030 Reports from licensee required.**

**5.78.040 Section provisions supplementary.**

**5.78.050 Vehicles to be covered.**

**5.78.060 Refuse disposal restrictions.**

#### **5.78.050 Vehicles to be covered.**

Any vehicle used by such scavenger in his business shall be equipped with covers for such portions as are used for the transportation of refuse.

#### **5.78.060 Refuse disposal restrictions.**

It is unlawful for any scavenger to dispose of or store any refuse in any place in the city limits or within one mile thereof except in such areas as are approved for such disposal or storage.

#### **5.78.010 License—Required—Fee.**

It is unlawful to engage in the business of scavenging, or collecting or disposing of animal or vegetable refuse or offal, without first having secured a license therefor. The annual fee for such license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.78.020 License—Application.**

Applications for such permits shall be made to the license official, and shall be referred by him to the manager. No such permit shall be issued except on order of the manager.

#### **5.78.030 Reports from licensee required.**

Every person granted a license under the provisions of this section to collect garbage, trade waste or market waste must report to the health department the names and addresses of all places of business or individuals from which collection of any such materials is made by such licensed collector. Report must be made as required by the health department.

#### **5.78.040 Section provisions supplementary.**

The provisions of this section shall supplement and be in addition to those provisions found under the rules and regulations of the health department.

## **Chapter 5.79**

### **SECONDHAND, COIN DEALERS AND JUNK DEALERS**

#### **Sections:**

- 5.79.010 Secondhand, coin dealers and junk dealers—Definitions**
- 5.79.020 Exemptions.**
- 5.79.030 License—Required.**
- 5.79.040 License—Application—Issuance conditions.**
- 5.79.050 License—Fees.**
- 5.79.070 Relocation of business—License required.**
- 5.79.080 Reporting changes in license information.**
- 5.79.090 License—Denial, suspension or revocation.**
- 5.79.100 Hearing on denial, suspension or revocation.**
- 5.79.150 Operation—Hours of closure.**
- 5.79.180 Stolen goods reports.**
- 5.79.190 Computer reporting.**
- 5.79.210 Junkyard premises—Barriers required where.**
- 5.79.220 Junkyard premises enclosure.**
- 5.79.230 Junk dealer vehicles.**
- 5.79.240 Dealer—Liability of licensee.**
- 5.79.250 Secondhand dealer business restrictions.**
- 5.79.260 Dealing with minors prohibited.**
  
- 5.79.010 Secondhand, coin dealers and junk dealers—Definitions.**

For the purpose of this chapter, the following words shall have the meaning as defined in this section:

A. “Antique dealer” means any person engaged in the business of selling old or archaic items which are indicative of an older culture.

B. “Charitable organizations” means any organization, group or church which receives personal property or secondhand goods from persons, groups or businesses but does not pay

money or any other thing of value in return for received personal property or secondhand goods. Charitable organizations are not to be licensed or regulated by this section.

C. “Coin dealer” means any person who engages in the business of buying or selling coins having numismatic value.

D. “Dealer” means all businesses or persons licensed under this chapter, and does not include a pawnbroker.

E. “Junk collector” means any person not having a fixed place of business in the city who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as junk.

F. “Junk dealer” means any person who engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper or other junk from a fixed place of business.

G. “Major appliances” means common major kitchen and washing appliances, such as refrigerators, ovens, dishwashers, washer/ dryers, etc., excluding microwaves, stereos, television sets, etc.

H. “Processor” means any person who engages in refining or otherwise altering the form of precious metal not found in a natural state (i.e., raw ore).

I. “Registered customer” means any person who is registered with the dealer and who the dealer knows to be a reputable person in the community. A registered customer must complete a registered customer form supplied by the police department and maintained in the dealer’s records. The registered customer form shall have positive identification sections and a section stating that the registered customer certifies that property he will sell to the dealer meets the requirements of subsection B(1) of section 5.48.520 of this title.

J. “Secondhand dealer” means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value,

or who engages in the business of dealing in secondhand goods. For the purpose of this section, a “secondhand dealer” shall not include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

K. “Secondhand precious metal dealer/processor or precious gem dealer” means any person who engages in buying, selling or processing gold, silver (excluding coins), platinum, other precious metals, secondhand articles containing any of such metals, secondhand precious gems, or any articles containing any precious gems.

#### **5.79.020 Exemptions.**

A. The provisions of this chapter are inapplicable to:

1. Any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new or secondhand merchandise;

2. Any dealer who receives secondhand merchandise in trade for other secondhand merchandise of a higher value; or

3. Any dealer whose principal business is servicing and rebuilding major appliances, who receives used major appliances and adds value thereto through refurbishing and repairing the merchandise for resale.

#### **5.79.030 License—Required.**

It is unlawful to operate as a secondhand dealer, secondhand precious metal and/or precious gem dealer, junk dealer, junk collector, antique dealer, coin dealer, or processor, without first obtaining a license to do so. A separate license shall be required for each location and for the conduct of the business of a dealer.

#### **5.79.040 License—Application—Issuance conditions.**

A. Each application for a license shall be

made on the form that the license official requires, and the applicant shall certify that the information given is true and correct under the penalties of perjury.

B. Each application for a dealer’s license shall contain such information as deemed necessary by the police department and the license official.

C. Only individuals may apply for a dealer’s license:

1. If an application is made on behalf of a corporation, limited partnership, LLC or other business entity, the license shall be applied for by and issued to the president of the corporation or members of the partnership, LLC or other business entity who are authorized to act for it.

2. If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation, limited partnership, LLC or the like, the application shall be made by and issued to the president of the corporation or members of the limited partnership, LLC or other entity who are authorized to act for it.

D. Each individual who applies for a dealer’s license under this chapter assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.

E. Each individual applying for a secondhand dealer or secondhand precious metal/gem dealer license shall not be issued a license until such time as the police department has conducted a background investigation on the applicant pursuant to section 5.08.070 of this title.

#### **5.79.050 License—Fees.**

The license fee for the following occupations shall be as specified in the fee schedule adopted pursuant to section 5.06.050: secondhand dealer, secondhand precious metal

dealer/processor and/or gem dealer, antique dealer, junk dealer, junk collector, or coin dealer.

**5.79.070 Relocation of business—License required.**

A. A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients.

B. A dealer may not remove or relocate the location specified in the license for the business, or open any additional location unless the person has applied for and obtained a separate license from the license official.

**5.79.080 Reporting changes in license information.**

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this section, the person shall report the change to the license official within 30 days after the change occurs, and certify that the information given is true and correct under the penalties of perjury.

**5.79.090 License—Denial, suspension or revocation.**

The license official may refuse to grant a license to any individual, and may suspend, revoke or refuse to renew the license of any dealer if it finds:

A. The dealer has violated or is attempting to violate any provisions of this chapter;

B. A similar license issued to the dealer has been suspended, revoked or refused in another jurisdiction for a reason which would justify such action under this section;

C. Any officer, manager, agent or employee of the individual or dealer has violated or is attempting to violate any provisions of this chapter, unless the person or dealer:

1. Had no knowledge of the wrongful conduct and in the exercise of reasonable dili-

gence could not have known of the conduct, and

2. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence; or

D. The person or dealer has been convicted of theft or receiving stolen property on one or more occasions within the past five years.

**5.79.100 Hearing on denial, suspension or revocation.**

Before revoking, suspending or refusing to grant or renew any license, the applicant, employee or dealer shall be informed of an opportunity to appeal such decision in accordance with the provisions hereof.

**5.79.150 Operation—Hours of closure.**

It is unlawful for any dealer licensed under this chapter to keep his place of business open for trade before the hour of 7:00 a.m. or after 10:00 p.m., unless prior written permission is received from the police department and the manager.

**5.79.180 Stolen goods reports.**

It shall be the duty of every dealer to report to the police department any article sold, or which it is sought to pledge with him, or sold, if he shall have reason to believe that the article was stolen, or lost or found by the person attempting to sell it in the case of a lost article.

**5.79.190 Computer reporting.**

The police department is authorized to transfer the information received pursuant to this chapter into a computer information system and to report the information in such forms as the police department may determine is useful for law enforcement purposes.

**5.79.210 Junkyard premises—Barriers required where.**

Any licensee under this chapter who is the



owner of, occupant of or has control of any lot, yard or any other premises within the city limits, and who keeps, collects, permits, maintains or stores in the open thereon any metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as junk, or any articles known as secondhand goods, wares or merchandise, shall comply with all applicable board of health rules and regulations and city zoning ordinances mandating solid visual barriers enclosing such lot, yard or premises.

**5.79.220 Junkyard premises enclosure.**

Any premises, area or piece or parcel of land licensed and used as a junkyard shall have not more than two entrances and two exits, each of which shall not exceed 15 feet in width at the perimeter of the premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or fence, or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level, excepting entrances and exits. The fence or wall shall not contain any poster or advertising of, any kind excepting one sign of the licensee not exceeding 100 square feet in size.

**5.79.230 Junk dealer vehicles.**

Every vehicle used by a junk dealer in the conduct of his business shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

**5.79.240 Dealer—Liability of licensee.**

The holder of a dealer's license is liable for any and all acts of his employees for any violation by them of any of the provisions of this chapter.

**5.79.250 Secondhand dealer business restrictions.**

No person licensed under this chapter as a secondhand dealer shall purchase, barter, exchange or sell any secondhand merchandise

other than that of the same type and character which comprise his principal business, or act as a pawnbroker.

**5.79.260 Dealing with minors prohibited.**

It is unlawful for any licensee under this section, by himself, his agents or servants, to purchase or receive any personal property, or any articles whatsoever, from any person under 18 years of age.

## **Chapter 5.80**

### **SERVICE STATIONS**

#### **Sections:**

#### **5.80.010 Service station defined.**

#### **5.80.020 License—Required.**

#### **5.80.030 License—Fee.**

#### **5.80.040 License—Issuance conditions.**

#### **5.80.050 Coin- or credit-operated stations.**

#### **5.80.060 Non-business filling stations.**

#### **5.80.070 Food and beverage sales.**

#### **5.80.010 Service station defined.**

A. "Service station" means a place of business where gasoline or any highly volatile fuels for motor vehicles or internal combustion engines are sold or offered for sale at retail and dispensed into the fuel tanks of such motor vehicles.

B. "Service station" also means and includes a private storage tank where such products are dispensed for motor vehicles or internal combustion engines.

#### **5.80.020 License—Required.**

It is unlawful to conduct or operate any service station in the city without having first obtained a license therefor; provided that no license shall be issued to an individual until the necessary inspection permits have been acquired from the fire department.

#### **5.80.030 License—Fee.**

The license fee for operating a service station shall be as specified in the fee schedule adopted pursuant to section 5.06.050. Such fee shall be in lieu of the flammable combustible handlers' fee.

#### **5.80.040 License—Issuance conditions.**

No such license shall be issued unless the location and equipment to be used fully comply with all the ordinances of the city and the Fire Prevention Code of the National Fire Prevention Association governing the storage and

handling of combustible liquids.

#### **5.80.050 Coin- or credit-operated stations.**

It is unlawful for any person, firm or corporation to maintain any credit or coin-operated station without the services of an attendant on duty at all times.

#### **5.80.060 Non-business filling stations.**

Anyone maintaining or operating any fuel storage tank for the use of automobiles of the owner, lessee, employees or agents of such person shall comply with all the provisions of applicable city ordinances except the payment of a fee provision.

#### **5.80.070 Food and beverage sales.**

No food or beverages shall be served, sold or allowed to be consumed on the premises of a service station without the licensee first acquiring the necessary food-handling permits and other licenses required by this code.

## CHAPTER 5.82

### SEXUALLY-ORIENTED BUSINESSES AND EMPLOYEE LICENSING

#### Sections:

- 5.82.010 Title for citation.**
- 5.82.020 Purpose.**
- 5.82.030 Definitions.**
- 5.82.070 License required.**
- 5.82.072 Location and zoning restrictions.**
- 5.82.074 Additional restrictions.**
- 5.82.076 Premises location and name.**
- 5.82.080 Issuance of license.**
- 5.82.085 License display.**
- 5.82.090 Fees.**
- 5.82.100 Inspection.**
- 5.82.110 Expiration of license.**
- 5.82.120 Suspension.**
- 5.82.130 Revocation.**
- 5.82.140 Hearing--Denial, revocation, and suspension; Appeal.**
- 5.82.150 Transfer of license.**
- 5.82.160 Hours of operation.**
- 5.82.170 Regulations pertaining to exhibition of sexually explicit films or videos.**
- 5.82.180 Loitering and exterior lighting and monitoring requirements.**
- 5.82.190 Penalties and enforcement.**
- 5.82.200 Applicability of ordinance to existing businesses.**
- 5.82.210 Additional regulations concerning live public nudity.**
- 5.82.220 Severability.**

#### **5.82.010 Title for citation.**

This chapter may be referred to as the "Cottonwood Heights Sexually-Oriented Business and Employee Licensing Ordinance."

#### **5.82.020 Purpose.**

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to

establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

#### **5.82.030 Definitions.**

For purposes of this chapter, certain words and terms are defined in this section. Words used in the present tense include the future; words used in the singular include the plural and the plural the singular. The words and phrases defined in this section shall have the meanings ascribed to them unless a different meaning is clearly indicated by the context.

A. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing "specified sexual activities" or "specified anatomical areas."

B. "Adult bookstore, adult novelty store, or adult video store" means a commercial establishment which has significant or substantial portion of its stock-in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising,

or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas”;

b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

C. “Adult cabaret” means a commercial establishment or juice bar, or similar establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear semi-nude, (b) live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities,” or (c) films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”

D. “Adult motel” means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and

(b) offers a sleeping room for rent for a period of time less than ten (10) hours.

E. “Adult motion picture theater” means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in state of semi-nudity or live performances which are characterized by their emphasis upon the exposure of “specified anatomical areas” or “specified sexual activities.”

G. “Business license official” or “license official” means the manager of his designee.

H. “Controlling interest” means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty per cent or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

I. “Distinguished or characterized by an emphasis upon” means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films which are distinguished or characterized by an emphasis upon the exhibition or description of “specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of “specified anatomical areas” or “specified sexual activities.”

J. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who

agrees or offers to privately model lingerie or to privately perform a striptease for another person.

K. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

L. "Employ, employee, and employment" describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

M. "Establish or establishment" shall mean and include any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

N. "Hearing officer" shall mean the manager of the city of Cottonwood Heights or his designee.

O. "Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application or renewal application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

P. "Nudity" or "state of nudity" means the live showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or

cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

Q. "Operate or cause to operate" means to cause to function or to put or keep in a state of doing business.

R. "Operator" means any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the sexually oriented business or who causes to function or who puts or keeps in operation the sexually oriented business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the sexually oriented business.

S. "Person" means individual, proprietorship, partnership, corporation, limited liability company, limited liability partnership, association, or other legal entity.

T. "Regularly features or regularly shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

U. "Semi-nude or state of semi-nudity" means a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and the nipple and areola of the female breast. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or in part.

V. "Semi-nude model studio" means any place where a person, who regularly appears in a state of semi-nudity, is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for money or any form of consideration.

It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

W. "Sexual encounter establishment" means a business or commercial establishment, that as one of its principle business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or when one or more of the persons is semi-nude.

X. "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, escort service, adult motion picture theater, adult theater, semi-nude model studio, or sexual encounter establishment. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Y. "Sexually oriented entertainment activity" means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specified sexual activity.

Z. "Specified anatomical areas" shall mean human genitals, anus, cleft of the buttocks, or the female breast.

AA. "Specified criminal activity" means any of the following offenses:

1. prostitution or promotion of prostitution; dissemination of obscenity or illegal pornography; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; lewdness; sexual battery; rape; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; or distribution of a controlled substance; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving the same elements from any jurisdiction regardless of the exact title of the offense; for which:

- a. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, or the last date of probation or parole, whichever is the later date, if the conviction is of a misdemeanor offense;

- b. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, or the last date of probation or parole, whichever is the later date, if the conviction is of a felony offense; or

- c. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, or the last date of probation or parole, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

AB. "Specified sexual activity" means actual or simulated acts of any of the following:

1. Sex acts, normal or perverted, including, but not limited to, human sexual intercourse, sexual copulation between a person or an animal, cunnilingus, bestiality, buggery, pederasty, sodomy, oral copulation, or masturbation; or

2. Excretory functions as a part of or in connection with any of the activities described above.

AC. "Transfer of ownership or control" of a sexually oriented business shall mean any of the following:

1. The sale, lease, or sublease of the business;

2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

AD. "Viewing room" means the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

#### **5.82.070 License required.**

A. It shall be unlawful to operate a sexually oriented business in the city without a valid sexually oriented business license.

B. It shall be unlawful for any person to be an "employee" of a sexually oriented business in the city without a valid sexually oriented business employee license.

C. An applicant or renewal applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the city a completed application made on a form provided by the city. The application shall be signed by the applicant and notarized.

D. An application or renewal shall be considered complete when it contains the following information:

1. The applicant's full true name and any other names used in the preceding five (5) years.

2. Current mailing address and street address of the applicant.

3. Written proof of age and birth date, in the form of a copy of a birth certificate or driver's license or other picture identification document issued by a governmental agency.

4. If the application or renewal is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number (if one currently exists) of the proposed sexually oriented business.

5. If the application or renewal is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.

6. A waiver consenting to a criminal background check.

7. A statement of whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each. The statement shall also disclose whether the applicant has had a previous sexually oriented business or sexually oriented business employee license under this chapter or other sexually oriented business ordinances from another city or county denied, suspended, or revoked within the past two years, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant has been a partner in a partnership or an officer, director, or stockholder with a controlling interest in a corporation that is licensed under this ordinance whose license has previously been denied, suspended, or revoked, including the

name and location of the sexually oriented business for which the permit was denied, suspended, or revoked as well as the date of the denial, suspension, or revocation.

The information provided pursuant to Paragraphs 1 through 7 of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the city within ten (10) working days after a change of circumstances which would render such information false or incomplete.

E. An application or renewal for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with section 5.82.170 of this chapter shall submit a diagram meeting the requirements of that section.

F. If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application or renewal for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner, manager or other person who will participate directly in decisions relating to management and control of the business shall sign the application or renewal for a license as applicant. Each applicant must be qualified under section 5.82.080 and each applicant shall be considered a licensee if a license is granted.

G. A license or permit required by this chapter is in addition to any other licenses or permits required by the city, county, state or federal to engage in the business or occupation.

H. Any person engaged in the operation of a sexually oriented business or in the employment of a sexually oriented business shall

comply with all other applicable local, state and federal laws, orders and statutes including, but not limited to, zoning ordinances.

I. The information provided by an applicant in connection with an application or renewal for a license under this chapter shall be maintained by the city on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

#### **5.82.072 Location and zoning restrictions.**

It is unlawful for any sexually oriented business to operate a sexually oriented business at any location within the city that is not zoned for sexually oriented businesses. Sexually oriented businesses shall be allowed to do business in areas zoned for such use pursuant to title 19 of this code.

#### **5.82.074 Additional restrictions.**

It is unlawful for any sexually oriented business to sell or permit the consumption of any alcoholic beverage or beer, or to be located within 660 feet of a business licensed for the consumption of alcohol or liquor.

#### **5.82.076 Premises location and name.**

a. It is unlawful for any sexually oriented business or sexually oriented business employee licensee to operate a business at any location other than the licensed premises.

b. It is unlawful for any sexually oriented business or sexually oriented business employee licensee to do business in the city under any name other than the business name specified on the license.

#### **5.82.080 Issuance of license.**

A. Within three (3) business days after the filing of a completed application for a sexually oriented business license, the city shall issue a temporary license to the applicant. The temporary license shall expire upon the final



decision of the license official to deny or grant the sexually oriented business license. Within thirty (30) days after the initial filing date of the completed application, the license official shall issue a sexually oriented business license to the applicant or issue to the applicant a letter of intent to deny the application. The license official shall approve the issuance of a sexually oriented business license unless one or more of the following is found by a preponderance of evidence to be true:

1. An applicant is less than eighteen (18) years of age.
2. An applicant has failed to provide information as required by section 5.82.070 for issuance of a license or has falsely answered a question or request for information on the application form.
3. The fee required by section 5.82.090 has not been paid.
4. An applicant has been convicted of a specified criminal activity, or has been shown to have committed a violation of sections 5.82.100, 5.82.130(B), or 5.82.210 within the previous year.
5. In the case of a sexually oriented business license application, the premises are not in compliance with applicable building, fire and health ordinances or codes and the interior configuration requirements of this chapter.

B. Within three (3) business days after the filing of a completed application for a sexually oriented business employee license, the city shall issue a temporary sexually oriented business license to the applicant. The temporary sexually oriented business license shall expire upon the final decision of the license official to deny or grant the license. Within thirty (30) days after the initial filing date of the receipt of a completed application, the license official shall either issue a sexually oriented business license or issue a written notice of intent to deny a sexually oriented business license to the applicant. The license official shall approve the issuance of a sexually oriented business license unless one or more of

the following is found by a preponderance of evidence to be true.

1. The applicant is less than eighteen (18) years of age.
2. The applicant has failed to provide information as required by section 5.82.070 for issuance of a license or has falsely answered a question or request for information on the application form.
3. The fee required by section 5.82.090 has not been paid.
4. The applicant has been convicted of a specified criminal activity, or has been shown to have committed a violation of sections 5.82.100, 5.82.130(B) or 5.82.210 within the previous year.

C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business.

#### **5.82.085 License display.**

The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing and shall produce such license for inspection upon request by a law enforcement officer or other city official performing functions connected with the enforcement of this chapter.

#### **5.82.090 Fees.**

The fee for engaging in, carrying on, or conducting a sexually oriented business or employee license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.82.100 Inspection.**

A. Sexually oriented business operators and sexually oriented business employees

shall permit law enforcement officers or agents of the city who are performing functions connected with the enforcement of this chapter to inspect the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with this chapter, at any time the sexually oriented business is occupied by patrons or open for business. A licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this chapter.

B. Inspections authorized by this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

#### **5.82.110 Expiration of License.**

Each license shall remain valid for the term described in section 5.06.110 unless otherwise suspended or revoked. Such license may be renewed only by making application as provided in section 5.82.070 and paying the fee as provided in section 5.82.090.

#### **5.82.120 Suspension.**

The city shall issue a notice of intent to suspend a sexually oriented business license if it is determined that the sexually oriented business licensee has knowingly violated this chapter or has knowingly allowed an employee to violate this chapter. The city shall issue a notice of intent to suspend a sexually oriented employee license if it is determined that the employee has knowingly violated this chapter. Such suspension shall not exceed thirty (30) days.

#### **5.82.130 Revocation.**

A. The city shall issue a notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license if a cause for suspension pursuant to section 5.82.100 occurs and the license has been suspended within the preceding twelve (12) months.

B. The city shall issue a notice of intent to revoke a sexually oriented business license or, in the case of an employee, a sexually oriented business employee license, if the hearing officer determines by a preponderance of evidence that:

1. The licensee has knowingly given false or misleading information in the application or renewal for the license.

2. The sexually oriented business licensee has knowingly allowed possession, use, or sale of controlled substances on the premises, or in the case of an employee, the sexually oriented business employee licensee has knowingly engaged in the possession, use, or sale of controlled substances on the premises. It shall be a defense to a revocation proceeding under this subsection that such possession, use, or sale occurred pursuant to a valid medical prescription.

3. The sexually oriented business licensee has knowingly allowed prostitution on the premises or, in the case of an employee, the sexually oriented business employee licensee has engaged in prostitution on any licensed premises.

4. The sexually oriented business licensee knowingly operated the sexually oriented business during a period of time when the license was suspended or, in the case of an employee, the sexually oriented business employee licensee has been employed as a sexually oriented business employee at a time when the employee's license was suspended.

5. The sexually oriented business licensee committed an act in violation of 18 U.S.C. § 2257 in or on the premises, or in the case of an employee, the sexually oriented business employee licensee committed an act in violation of 18 U.S.C. § 2257 in or on the premises.

6. The sexually oriented business licensee has knowingly allowed any specified sexual activity to occur in or on the premises or, in the case of an employee, the sexually oriented business employee licensee has engaged

in any specified sexual activity in or on any licensed premises.

C. The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license.

D. For the purposes of this chapter, if an act by any employee constitutes grounds for revocation of that employee's license and the hearing officer determines by a preponderance of evidence that an officer, director, or general partner, or an employee who managed, supervised, or controlled the operation of the business, knowingly allowed such act to occur on the premises, then the hearing officer may review the employee's license.

E. When, after the notice and hearing procedure described in section 5.82.140, the hearing officer revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for a period of one (1) year from the date revocation becomes effective, provided that, if the conditions of section 5.82.140(B) have been satisfied, a provisional license will be granted pursuant to that section. If, subsequent to a revocation based solely on subsection (B)(1) of this section, the hearing officer finds that the basis for the revocation has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under subsections (B)(2), (B)(3), (B)(4), (B)(5), or (B)(6) of this section, an applicant may not be granted another sexually oriented business license or sexually oriented business employee license until at least one (1) year has elapsed.

#### **5.82.140 Hearing--Denial, revocation, and suspension--Appeal.**

A. If the city determines that facts exist for denial, suspension, or revocation of a license under this chapter, the city shall notify the applicant or licensee (respondent) in writing of the city's intent to deny, suspend or revoke such license, including the grounds therefore, by personal delivery, or by certified mail.

1. The notification shall be directed to the most current business address or other mailing address on file with the city for the respondent. Within twenty (20) days of receipt of such notice, the respondent may provide to the city a written response that shall include a statement of reasons why the respondent believes the license should not be denied, suspended, or revoked.

2. Within five (5) days of the receipt of respondent's written response, the city shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding. At such hearing, the hearing officer shall conduct a hearing at which respondent shall have the opportunity present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the city's witnesses. The hearing officer shall issue a written opinion within five (5) days after the hearing.

3. If a written response from respondent is not received by the city within the time stated in section (A)(1) above, or if after a hearing, the hearing officer concludes that grounds exist for denial, suspension, or revocation of the license, then such denial, suspension, or revocation shall become final five (5) days after the hearing officer sends, by certified mail, written notice to the respondent that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction. If the hearing officer finds that no

grounds exist for denial, suspension, or revocation of the license, then within five (5) days after the hearing, the hearing officer shall immediately withdraw the intent to deny, suspend, or revoke the license and shall notify the respondent in writing by certified mail of such action. If the hearing relates to a denial of a license, the hearing officer shall contemporaneously order that the license be issued.

B. An applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal such action to a court of competent jurisdiction.

C. Sexually oriented businesses or sexually oriented business employees operating or working under temporary licenses shall be subject to the provisions of this chapter.

#### **5.82.150 Transfer limitations.**

A licensee shall not transfer his license to another person or location, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

#### **5.82.160 Hours of operation.**

It shall be unlawful for any sexually oriented business to allow such establishment to remain open for business, or to permit any employee to engage in the performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, before 10:00 a.m. or after 11:00 p.m. of any particular day. It shall be unlawful for any employee of a sexually oriented business to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, before 10:00 a.m. or after 11:00 p.m. of any particular day.

#### **5.82.170 Regulations pertaining to exhibition of sexually explicit films or videos.**

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, films, video cassettes, or other video reproductions characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The license official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the license official.

4. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to

any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph 1 of this subsection.

5. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

6. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specific sexual activity occurs in or on the licensed premises.

7. It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.

8. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.

9. It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.

10. It shall be the duty of the operator, or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a

manner that is as structurally substantial as the original wall construction.

11. It shall be the duty of the operator, at least once each business day, to inspect the walls between viewing rooms for openings of any kind.

12. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

a. That no loitering is permitted in viewing rooms.

b. That the occupancy of viewing rooms is limited to one person.

c. That specific sexual activity on the premises is prohibited.

d. That the making of openings between viewing rooms is prohibited.

e. That violators will be required to leave the premises.

f. That violations of Subparagraphs (b), (c) and (d) of this paragraph are unlawful.

13. It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by nonporous easily cleanable material.

15. It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following cleaning procedures:

a. The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.

b. The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least once

each week. Prior to collection solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.

c. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.

16. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises in which patrons are permitted, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed forty (40) square feet of floor area. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

#### **5.82.180 Loitering and exterior lighting and monitoring requirements.**

A. It shall be the duty of the operator of a sexually oriented business to: (a) initiate and enforce a no loitering policy within the external boundaries of the real property upon which the sexually oriented businesses are located; (b) post conspicuous signs stating that no loitering is permitted on such property; (c) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and (d) provide lighting of the exterior premises to provide for visual inspection or provide video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises is open for business. The monitors shall be installed within a manager's station.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

#### **5.82.190 Penalties and enforcement.**

In addition to suspension or revocation of a license, it is unlawful for any person to knowingly violate, disobey, omit, neglect, or refuse to comply with or resist the enforcement of any of the provisions of this chapter. Each day the violation is committed, or permitted to continue, shall constitute a separate offense.

#### **5.82.210 Additional regulations concerning live public nudity.**

It is unlawful for a sexually oriented business licensee to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

A. It shall be a violation of this chapter for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nude conduct is expressive in nature.

B. It shall be a violation of this chapter for a person to knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least six (6) feet from any patron or customer and on a stage at least two (2) feet from the floor.

C. It shall be a violation of this chapter for any employee, while semi-nude in a sexually oriented business, to knowingly or intentionally receive any pay or gratuity directly from any patron or customer, or for any patron or customer to knowingly or intentionally pay or give any gratuity directly to any employee, while said employee is semi-nude in a sexually oriented business.

D. It shall be a violation of this chapter for any employee, while semi-nude, to knowingly or intentionally touch a customer or the clothing of a customer.

A sign in a form to be prescribed by the city and summarizing the provisions of paragraphs A, B, C, and D of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry.

**5.82.220 Severability.**

Each section and provision of this chapter are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

## **Chapter 5.84**

### **SHOOTING GALLERIES**

#### **Sections:**

#### **5.84.010 License—Required.**

#### **5.84.020 License—Fees.**

#### **5.84.030 Premises to be kept clean.**

#### **5.84.040 Targets and safety precautions.**

#### **5.84.050 Conduct regulations.**

#### **5.84.010 License—Required.**

It is unlawful to operate or conduct a shooting gallery of any kind in the city without having obtained a license therefor.

#### **5.84.020 License—Fees.**

The annual license fee for such galleries shall be as specified in the fee schedule adopted pursuant to section 5.06.050. Such fee shall be in addition to the general business license fee.

#### **5.84.030 Premises to be kept clean.**

Premises used for shooting galleries shall be kept in a clean and sanitary condition.

#### **5.84.040 Targets and safety precautions.**

Targets shall be placed before a backstop of steel or other material sufficiently thick to prevent any bullet or arrow from piercing it, and so arranged that there will be no danger from ricocheting or deflected pieces of bullet. All shooting galleries shall comply with all applicable laws, rules and regulations regarding lead contamination.

#### **5.84.050 Conduct regulations.**

All persons present in any shooting gallery shall conduct themselves in an orderly manner, and shall not make or cause to be made any loud or unnecessary noise. It is unlawful to gamble or bet in any such place.



## **Chapter 5.85**

### **SHORT-TERM RENTALS**

#### **Sections:**

**5.85.010 Short-term rental defined.**

**5.85.020 License—Required.**

**5.85.030 License—Application—  
Contents.**

**5.85.040 License—Application—  
Investigation.**

**5.85.050 License—Fee.**

**5.85.060 Inspections for compliance.**

**5.85.070 Register to be kept.**

**5.85.080 Maintenance—Structures and  
grounds.**

**5.85.090 Excessive noise.**

**5.85.100 Outdoor pools, hot tubs or spas.**

**5.85.110 Responsible individual.**

**5.85.120 Separate violations.**

**5.85.010 Short-term rental defined.**

“Short-term rental” means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

**5.85.020 License—Required.**

It is unlawful to conduct or operate a short-term rental without having obtained a license therefor.

**5.85.030 License—Application—  
Contents.**

Applications shall contain such information as the license official shall from time to time require, including the location of the home, number of rooms therein contained, and the number of persons such home will accommodate.

**5.85.040 License—Application—  
Investigation.**

Applications shall be referred by the license official to the fire department, the health

department and such other agencies or departments as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Departmental recommendation as to the Issuance or denial of the license, based on the above inspections, shall then be referred to the license official for submission to the manager.

**5.85.050 License—Fee.**

The annual fee for a license under this chapter shall be the same as the general business license fee under this title.

**5.85.060 Inspections for compliance.**

A. After a license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.

B. The fire department shall perform at least one inspection annually to ensure compliance with applicable codes.

**5.85.060 Permit—Fee.**

The permit fee shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

**5.85.070 Register to be kept.**

Each short-term rental proprietor shall keep or cause to be kept a register of guests. Such registration or list shall be available for inspection by the license official at any time.

**5.85.080 Maintenance—Structure and  
grounds.**

A. A short-term rental shall be maintained to the following minimum standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and

2. Required parking areas and access to

parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and

3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.

B. A short-term rental shall not have any signs on the premises that advertise the use.

C. The use of the dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

**5.85.090 Excessive noise.**

Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.

**5.85.100 Outdoor pools, hot tubs or spas.**

Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.

**5.85.110 Responsible individual.**

One nameplate sign not to exceed three inches by five inches made of weather-resistant material containing the name and telephone number of at least one responsible individual located within the county that can be contacted twenty-four hours a day, and the occupant load of the building as allowed by the city's building code, shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental. Such nameplate shall not contain any advertising.

**5.85.120 Separate violations.**

For purposes of prosecution of violations of this chapter, each day that any violation occurs is deemed to constitute a separate violation.

## **Chapter 5.86**

### **SOLICITORS, CANVASSERS, AND PEDDLERS**

#### **Sections:**

- 5.86.005 Purpose.**
- 5.86.010 Definitions.**
- 5.86.020 Permit—Required.**
- 5.86.030 Exempt activities.**
- 5.86.040 Permit—Application—Required.**
- 5.86.050 Permit—Application—Contents.**
- 5.86.060 Permit—Fee.**
- 5.86.070 Permit—Bond requirements.**
- 5.86.072 Forfeiture of bond.**
- 5.86.075 Return of bond.**
- 5.86.080 Permit—Contents.**
- 5.86.090 Permit and application a public record.**
- 5.86.100 Permit—Denial or revocation conditions.**
- 5.86.110 Street use restrictions.**
- 5.86.120 Noise prohibited.**
- 5.86.130 Sales near churches, schools and playgrounds.**
- 5.86.140 Appeal procedures.**

#### **5.86.005 Purpose.**

It is the purpose of this chapter to regulate peddlers and solicitors in order to protect the personal privacy of citizens of the city, to protect the unique privacy and sanctuary of the home, to reduce the danger of abuse, to promote the health, safety and general welfare of the citizens of the city and to preserve their private property. It is not the purpose of this chapter to impose a limitation or restriction on the content of any communicative material.

#### **5.86.010 Definitions.**

The following words shall have the meaning herein ascribed when used in this section:

A. “Bond” means a cash bond or irrevocable letter of credit issued by a financial institution located and authorized to do business in the state of Utah, conditioned that the ap-

plicant, if issued a permit hereunder, will comply fully with all city ordinances and other applicable laws, rules and regulations.

B. “Canvasser” means one who goes from residence to residence for charitable or political reasons and does not sell products or services.

C. “Fixed place of business” means a place of business continuously maintained in the city for at least 90 days. The use of a telephone answering service or address for the primary purpose of receiving mail shall not constitute a place of business for purposes of this section.

D. “License official” means the license official of the city, or a designate thereof.

E. “Peddler” means one who sells food, goods, wares or commodities from place to place, without an appointment, and makes delivery of the product at the time of contact. The time of collection of payment is immaterial. The term “peddler” shall include a person who sells flowers in a commercial zone.

F. “Residence” means every separate living unit occupied for residential purposes by one or more persons, irrespective of the type of building or structure.

G. “Solicitor” means one who takes orders, going from residence to residence without appointment, for future deliveries or for intangible services, or solicits subscriptions from other than an established place of business, or sells products or services.

#### **5.86.020 Permit—Required.**

No person shall act as a peddler or solicitor without having first obtained a valid and current permit as provided in this section. Such permit shall be carried on the person while so acting, and shall be displayed to any person upon request.

#### **5.86.030 Exempt activities.**

This chapter does not apply to:

A. Persons acting on behalf of organizations recognized under section 501(c)(3) of

the United States Internal Revenue Code or any successor law, rule or regulation, provided such persons act with the knowledge of such organization, and provided that such persons have identification establishing their connection with the organization on their person. Such identification may include, but is not limited to, uniforms and preprinted name tags or promotional material issued by the organization.

B. Persons who represent a fixed place of business who regularly make deliveries, normally not involving personal contact with customers, for the purpose of making sales or obtaining orders over an established route, and who only occasionally make calls on persons residing within the area covered by such route for the purpose of obtaining additional customers for such regular deliveries. The foregoing provision is intended to cover only such persons engaged in substantially similar activities.

C. Persons licensed and regulated under state law governing the insurance business.

D. Persons licensed and regulated under state law governing the real estate business.

E. Persons licensed and regulated under state law governing the securities and investment business.

F. Persons who go from private residence to private residence for political purposes or for the purpose of influencing legislation.

G. Persons who have obtained an "information card" or registered as a "professional fund raiser" with the Utah Department of Commerce, Division of Consumer Protection.

#### **5.86.040 Permit—Application—Required.**

Every person desiring a permit to act as a peddler or solicitor shall make application to the license official. The permit issued under this section shall be in addition to any other required business license or permit. Such permit shall be issued by the license official, provided the fee is paid and eligibility is established. A solicitor or peddler shall have ap-

propriate land use approval.

#### **5.86.050 Permit—Application—Contents.**

The application shall contain the following:

A. Name and address of permanent residence and any temporary residence during the permit period; name shall be established by appropriate identification;

B. Physical description, including age and date of birth;

C. Name and address of the person, firm or corporation or association by whom the applicant is employed or represents;

D. Description and average price of the product or service to be sold;

E. The approximate date of the latest prior permit, if any, issued under this section;

F. A statement whether the applicant has been convicted of a felony at any time, or a misdemeanor other than traffic offenses in the last three years;

G. Consent to a criminal background check;

H. Names of the two most recent communities where the applicant has solicited from residence to residence;

I. Time period solicitor or peddler intends to conduct the referenced activities within the city;

J. Signature of the applicant, attesting to the truth of such statements under penalty of law; and

K. A recent photograph of the applicant as specified by the city.

#### **5.86.060 Permit—Fee.**

The permit fee shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

#### **5.86.070 Permit—Bond requirements.**

Each applicant for a permit to act as a peddler or solicitor shall file a bond in the amount specified in the bond schedule set forth in chart 5.86.070. The bond schedule

may be amended from time to time by the city council.

**5.86.072 Forfeiture of bond.**

The manager or hearing examiner may order the bond forfeited to the city to be held and distributed to a consumer who has been damaged by a solicitor or peddler and has filed a complaint with the city prior to return of the bond as provided in section 5.86.075, upon the following:

- A. The recommendation of the license official;
- B. A hearing pursuant to chapter 5.11;
- C. A determination that the applicant has violated city ordinances or other applicable laws, rules and regulations; and
- D. A determination that the consumer has been damaged and the amount of such damage.

**5.86.075 Return of bond.**

Unless an action to forfeit a bond as provided in section 5.86.072 is initiated within 20 days after the expiration of the permit for which the bond was given, the bond shall be promptly returned to the applicant.

**5.86.080 Permit—Contents.**

On the face of each permit, including temporary permits, there shall be placed each of the following:

- A. The permit number;
- B. The permit holder's name and permanent address;
- C. The name and address of the firm or organization which the holder represents;
- D. A description and picture of the holder; and
- E. The expiration date of the permit.

**5.86.090 Permit and application a public record.**

The application for a permit and the permit shall be a public record, and the license official may disclose the contents of the appli-

cation or the existence of a permit to any person.

**5.86.100 Permit—Denial or revocation conditions.**

The license official shall deny or revoke a permit issued under this section for the following reasons:

- A. Failure to pay the fee or post the bond as required;
- B. Misrepresentation of any information requested in the application for permit;
- C. Conviction of the applicant of a felony within the preceding five years, or of a misdemeanor within the preceding three years involving a crime of moral turpitude;
- D. Receipt of the license official, in writing, of at least three complaints within the permit period of annoying, abusive, threatening or harassing contacts with consumers; the applicant may, however, review and respond to such complaints prior to revocation of the permit; and
- E. Revocation of a prior permit issued within the preceding two years.
- F. Violation of city ordinances or other applicable laws, rules or regulations.

**5.86.110 Street use restrictions.**

No peddler shall have any exclusive right to any location on the public streets or roads, nor shall any be permitted in a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede, inconvenience or endanger the public. For the purpose of this section, the judgment of a peace officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded, inconvenienced or endangered.

**5.86.120 Noise prohibited.**

It is unlawful for any peddler licensed or registered under the provisions of this section to make any loud noise to attract customers, provided that such peddler may ring a small

bell or play soft music provided that such ringing or playing does not emit sound audible to the human ear at a distance greater than one block from its source.

**5.86.130 Sales near churches, schools and playgrounds.**

It shall be unlawful for any peddler to stand or station himself, or to drive any vehicle for the purpose of selling his wares and merchandise, or to sell or offer to sell any of his wares or merchandise within two blocks of any public school property in the city between the hours of 8:00 a.m. and 4:00 p.m. on all days when school is in session, or within one block of any public park or playground or church.

**5.86.140 Appeal procedures.**

Any person aggrieved by any decision or action of the license official may file a written notice of appeal within 20 days of such action and a hearing to consider the appeal shall be held as provided in chapter 5.11 hereof. Unless the manager or hearing examiner orders otherwise, it shall be unlawful for the person aggrieved to continue with such activity that is the subject of the appeal.

## Chapter 5.87

### SWAP MEETS AND FLEA MARKETS

#### Sections:

- 5.87.010 Swap meets and flea markets—Definitions.**
- 5.87.020 License—Required.**
- 5.87.030 License—Application—Investigation.**
- 5.87.040 License—Fee.**
- 5.87.050 Swap meet licensee—Right to issue daily business licenses.**
- 5.87.060 Pawnbroker and secondhand dealer restrictions.**
- 5.87.070 License—Revocation.**
- 5.87.080 Posting of regulations concerning lost property.**
- 5.87.090 Sales subject to law—Prohibited sales designated.**
- 5.87.100 Sellers—Licensing requirements.**
- 5.87.110 Time and Procedure for sales.**
- 5.87.120 Liability of principal.**
- 5.87.130 Recordkeeping—Requirements generally.**
- 5.87.140 Lists of lost or stolen property.**
- 5.87.150 Report of suspected lost or stolen goods.**
- 5.87.160 Recordkeeping—Reports to police department.**
- 5.87.170 Violation—Penalty.**

#### **5.87.010 Swap meets and flea markets—Definitions.**

For the purposes of this chapter:

- A. “Flea market” means and shall be considered a swap meet.
- B. “Swap meet licensee” means any person who rents, lends or leases his premises to temporary sellers for use as a marketplace to barter and exchange goods.

#### **5.87.020 License—Required.**

It is unlawful to hold a swap meet or flea market without having first obtained a license therefore as is provided in this chapter. The

license fee for a charity may be waived by the manager upon application.

#### **5.87.030 License—Application—Investigation.**

Application for a swap meet license shall be made to the license official, and shall state thereon the name of the applicant, the place of business, and the number of employees intended to be engaged, type of sale to be conducted, description of the place where such sale is to be held, itemized list of goods, wares and merchandise to be offered for sale (including those on order and not received), where and from whom such stock was purchased or acquired, and if not purchased, the manner of such acquisition, and such other additional information as the license official may require. The police department or any other officer of the city designated by the manager shall investigate each applicant for such license, and shall report back to the manager whether or not such applicant is a person who has been convicted of the offense of receiving stolen goods, burglary, larceny, or robbery. The license of any swap meet licensee who is presently in business and so convicted shall be revoked.

#### **5.87.040 License—Fee.**

The annual fee for a swap meet license shall be as specified in the fee schedule adopted pursuant to section 5.06.050, which shall be in addition to the general business license fee.

#### **5.87.050 Swap meet licensee—Right to issue daily business licenses.**

A swap meet licensee shall have the right to issue daily business licenses to resident sellers upon receiving the required fee, refer to fee schedule 5.06.050, and the signed, certified license applications listing the goods to be sold or exchanged.

**5.87.060 Pawnbroker and secondhand dealer restrictions.**

No swap meet licensee shall conduct the business of pawnbroker or secondhand dealer without having obtained the licenses required for such dealers in addition to his swap meet license.

**5.87.070 License—Revocation.**

In addition to other penalties provided by law, any swap meet licensee violating the provisions of this chapter may have his license revoked or suspended.

**5.87.080 Posting of regulations concerning lost property.**

It is unlawful to conduct a swap meet unless he shall keep conspicuously posted in his place of business copies of this section and *Utah Code Ann.* § 76-6-407 (or any amendments thereto) dealing with lost property converted by a finder.

**5.87.090 Sales subject to law—Prohibited sales designated.**

All swap meet sales shall be in accordance with the law. No sales of firearms, pyrotechnics, ammunition, explosives, alcoholic beverages or medicines shall be made by sellers on the swap meet licensee's premises. No seller under the age of 18 shall be entitled to sell or dispose of goods at the swap meet without the written, notarized permission of his parents or legal guardian.

**5.87.100 Sellers—Licensing requirements.**

A. All sellers shall apply to the swap meet licensee for a license to sell on the premises of a swap meet licensee. Each seller must furnish to the swap meet licensee a signed statement containing the required information outlined in section 5.87.030 along with the following certification:

I certify that I am the lawful and legal owner of the listed property which is free and clear from all liens

and encumbrances. I further certify that the property descriptions are true and correct and I am aware that the use of a fictitious name or furnishing false information on this form is punishable by law. I am also aware that a copy of this application shall be forwarded to the police department within 24 hours after it is submitted to the owner or manager of the premises where the sale is held.

B. Upon receiving the required fee and application form, the swap meet licensee shall furnish to the seller a daily business license permit which will allow the seller to sell on the day requested, subject to revocation by the police department for the violation of any provisions of this chapter. Any seller having his license revoked by the police department may petition the manager within ten days after the revocation for review of the action by the police department. The manager, upon reviewing the action of the police department, may rescind the revocation or make the revocation permanent by prohibiting the seller from selling at a swap meet for a period of up to one year.

**5.87.110 Time and procedure for sales.**

A. Resident sellers must apply for a daily business license no less than ten days in advance of the day they wish to utilize a swap meet licensee's premises. Nonresident sellers must apply to the police department for the screening of all goods to be sold on a swap meet licensee's premises, and the issuance of a nonresident seller's license prior to the date of the sale. However, if the swap meet licensee employs, at its own expense, a police officer to enforce and administer the licensing provision of this article, then resident sellers may utilize the swap meet licensee's premises on the same day application is made for daily business permits.

B. For purposes of this chapter, "resident"



means a person or entity who has a valid Utah driver's license, a Utah university or college ID containing a resident seller's picture, or a Utah business license.

**5.87.120 Liability of principal.**

The holder of a swap meet license is liable for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

**5.87.130 Recordkeeping—Requirements generally.**

A. Every swap meet licensee doing business in the city shall keep a record of all sellers wishing to utilize his premises. The record shall contain:

1. A description of the seller, including:
  - a. Name, including middle initial;
  - b. Address;
  - c. Sex;
  - d. Nationality;
  - e. Height;
  - f. Weight;
  - g. Color of hair;
  - h. Color of eyes;
  - i. Driver's license number and state of issue;
  - j. Occupation; and
  - k. Date of birth.
2. A description of the seller's vehicle, including:
  - a. Make;
  - b. Model;
  - c. Year;
  - d. Color;
  - e. License number and state; and
  - f. Registered owner if different than person offering articles for sale or exchange; and
3. A description of articles offered for sale, including:
  - a. Name of article;
  - b. Size;
  - c. Color;
  - d. Serial number or ID mark;
  - e. The number of a seller's sales tax per-

mit, if any;

f. The number of the seller's daily business license permit; and

g. The date the seller applied to sell.

B. Provided, however, that for used merchandise with no ID marks, where the value of the goods is under \$5, the licensee may simply note on the form approved by the police department that the seller is selling the following types of items: clothing, books, dishes, art work, bedding, toys, produce, bottles, or other types of household items specified on the form.

**5.87.140 Lists of lost or stolen property.**

The police department shall circulate a list of reported lost and stolen property to all swap meet licensees.

**5.87.150 Report of suspected lost or stolen goods.**

It shall be the duty of every swap meet licensee to report to the police department any article he has reason to believe was stolen, or lost and found by the person attempting to sell it.

**5.87.160 Recordkeeping—Reports to police department.**

It is unlawful for any swap meet licensee to fail to deliver on the date of application to the police department, a legible and accurate copy of the records required under section 5.48.370 along with the seller's daily business license permit fee.

**5.87.170 Violation—Penalty.**

In addition to other penalties provided by law, any person violating the provisions of this article shall be guilty of a misdemeanor. No seller shall be deemed to have substantially complied with these provisions if:

A. He fails to list all the property proposed to be sold or exchanged; or

B. He fails to list the correct serial number or identifying mark(s) of such property;

and

C. He gives false information as to his identity or the property's identity, even though such information is not specifically required by this chapter.

## **Chapter 5.88**

### **VENDING MACHINES**

#### **Sections:**

#### **5.88.010 Vending machine defined.**

#### **5.88.020 Licensing requirements.**

#### **5.88.010 Vending machine defined.**

“Vending machine” means any self-service device offered for public use which, upon insertion of coins, tokens or currency, or by other means dispenses unit servings of food or beverage, or other articles or items, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

#### **5.88.020 Licensing requirements.**

A. The annual license fee for a vending machines (other than vending machines dispensing cigarettes) is as specified in the fee schedule adopted pursuant to section 5.06.050.

B. This fee shall accompany the annual license application filed with the license office.

## **Chapter 5.90**

### **VENDING MACHINES—CIGARETTE**

#### **Sections:**

#### **5.90.010 License—Required.**

#### **5.90.020 License—Application.**

#### **5.90.030 License—Fee.**

#### **5.90.040 Sales to persons under 19.**

#### **5.90.050 Violation—Penalty.**

#### **5.90.010 License—Required.**

It is unlawful to sell or give away any cigarettes by means of a vending machine without first being licensed to do so.

#### **5.90.020 License—Application.**

Applications for such licenses shall be made in writing to the license official. Applications shall contain the name of the applicant, the address at which sales are to be made, and the number of cigarette vending machines; applications shall be filed with the license official, together with the license fee hereinafter required.

#### **5.90.030 License—Fee.**

The annual fee for a license under this chapter shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

#### **5.90.040 Sales to persons under 19.**

No person shall maintain any tobacco vending machine in a place of business where persons under the age of 19 years are allowed.

#### **5.90.050 Violation—Penalty.**

Any person, firm or corporation violating the provisions of this chapter, or permitting the same to be violated by their employees, shall be guilty of a misdemeanor. The holder of such license may also suffer the penalty of having his license for such sale revoked for any such violation.

### CHART 5.06.050

#### GENERAL BUSINESS LICENSE FEE SCHEDULE

Effective January 14, 2005, all business licensees are subject to the following general, temporary, and disproportionate business license fees. The annual general business license fees levied and imposed hereunder cover registering, monitoring, reporting, licensing, related administrative costs and costs of special regulations.

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.06.040	<b>General Business License</b> (excluding home occupations)	\$100.00	Per location, plus employee fee
5.06.040	<b>All businesses (excluding home occupations)</b>	10.00	Fire services disproportionate fee
5.06.040	<b>All businesses (excluding home occupations)</b>	10.00	Police services disproportionate fee
5.54	<b>Home Occupations:</b>		
	Clients or customers in the Home	250.00	
	No Clients in the Home	100.00	
	Phone and mail only	100.00	
5.14.030	<b>Temporary Licenses:</b>	80.00	Per location, plus employee fee
	<b>Employee Fee</b>	6.00	Per employee exceeding one

#### DISPROPORTIONATE BUSINESS LICENSE FEE SCHEDULE BASED ON SPECIAL REGULATIONS AND INSPECTIONS

In addition to the fee described above, the following businesses are subject to the additional annual fees described below for regulatory services involving registering, monitoring, reporting and licensing:

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.18.050	<b>Registration Cards:</b>		Plus any fee payable to the police department
	Group Work Card	\$50.00	
	Individual Work Card	10.00	
	Duplicate Card	5.00	

COTTONWOOD HEIGHTS  
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<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.24	<b>Alcoholic Beverage License</b>	300.00	Except for a religious wine use permit
	Religious Wine Use Permit	0.00	
5.28	<b>Amusement Device</b>	10.00	User fee (cost of decals/ permits) per amusement device, not to exceed \$1,000 annually per location
5.36	<b>Commercial Vehicle License</b>	10.00	User fee (cost of decals/permits) per commercial vehicle per vehicle user fee
5.64	<b>Abandoned Mobile Homes</b>	30.00	Per permit
5.75	<b>Pawnbrokers</b>	750.00	
5.82	<b>Sexually-Oriented Businesses:</b>	1,650.00	Plus any fee payable to the police department
5.86	<b>Solicitors, Canvassers and Peddlers</b>	20.00	Per solicitor or peddler
5.90	<b>Vending Machines – Cigarettes</b>	10.00	Per machine

**DISPROPORTIONATE BUSINESS LICENSE FEE SCHEDULE  
BASED ON DISPROPORTIONATE COST**

In addition to the fees described above, the following businesses are subject to the additional annual fees described below for the disproportionate cost of police services:

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.28	<b>Amusement Halls</b>	250.00	Per location with four or more amusement devices, musical amusement device, billiard, pool and bagatelle table or bowling alley lane fees, plus restaurant disproportionate fee if applicable
5.47	<b>Financial Institution</b>	550.00	Per location plus employee fee
5.50	<b>Fireworks</b>	300.00	Per location
5.53	<b>Food or Grocery, Retail and Department Stores</b>	900.00	Per location
5.66	<b>Motion Picture Theatres</b>	165.00	Per screen/stage
5.68	<b>Multiple Rental Dwelling Units</b>	10.00	Per unit in excess of four rental dwelling units
5.70	<b>Nursing and Convalescent Homes</b>	40.00	Per bed
5.77	<b>Restaurant</b>	225.00	Per location
5.80	<b>Service Stations</b>	350.00	Per location

**CHART 5.86.070**

**BOND SCHEDULE**

<b>Average Price of Products or Services to be Sold</b>	<b>Required Bond Amount</b>
Less than \$500	\$500
More than \$500 but less than \$1,000	\$1,000
More than \$1,000 but less than \$1,500	\$1,500
More than \$1,500 but less than \$2,500	\$2,500
More than \$2,500 but less than \$5,000	\$5,000
More than \$5,000 but less than \$10,000	\$10,000
More than \$10,000	\$15,000